

University of Warwick institutional repository: <http://go.warwick.ac.uk/wrap>

A Thesis Submitted for the Degree of PhD at the University of Warwick

<http://go.warwick.ac.uk/wrap/4027>

This thesis is made available online and is protected by original copyright.

Please scroll down to view the document itself.

Please refer to the repository record for this item for information to help you to cite it. Our policy information is available from the repository home page.

**Abortion Politics and National Identity:
The X Case, Irishness and the Nation-State**

by

Lisa Smyth



A thesis submitted in partial fulfillment of the requirements for the
degree of Doctor of Philosophy in Sociology

University of Warwick, Department of Sociology

September 2000

CONTENTS

	Page
ACKNOWLEDGEMENTS	viii
ABSTRACT	x
ABBREVIATIONS	xi
GLOSSARY OF IRISH TERMS	xii
 PART ONE	
INTRODUCTION	1
The X Case	1
Abortion Politics and Nationhood	2
The X Case: Circumstances and Immediate Impact	4
The Pro-Life Amendment Campaign	8
Legal Political Effects	15
Constitutional Crisis	15
Post X-Case Abortion Politics	23
Analytic Tools	26
Hegemony	26
Discourse	27
Structure	30
 Chapter 1	
THEORIZING NATIONHOOD: IRISHNESS AND THE X CASE	35
Introduction	35
Theorizing the Nation and National Identity	35
The Discursive Construction of Irishness	38
Catholicism	39
Familism	45
Traditionalism	48
Gender and Sexuality	50
Abortion	54
 Chapter 2	
ABORTION, FEMINISM, AND THE X CASE	57
Abortion and Privacy	58
Reproductive Freedom and Abortion	63
The Construction and Regulation of Women's Embodiment	63
Foetal Iconography: Modernity and Abortion	66
Reproductive Freedom and Citizenship	69

	Page
PART TWO POPULAR POLITICAL CULTURE: THE X CASE, ABORTION, AND THE NATIONAL PRESS	74
INTRODUCTION	74
The Press's 'National' Audience	77
THE PRESS AND POLITICAL CONSENSUS	79
Encoding/Decoding: The Production of 'Preferred Readings'	80
The Opinion Sections	81
Moral Panics	83
Definitions	83
Proportionality	85
Moral Panic as Conspiracy	87
A Functionalist Theory	88
METHODOLOGY	90
Chapter 3 1983 AMENDMENT IN THE PRESS: A NATIONAL MORAL PANIC	93
INTRODUCTION	93
Abortion in the National Press: Key Themes	94
ABORTION IN THE NATIONAL PRESS: THE 'NEWS' AND POPULAR POLITICAL CULTURE	95
What Audience, Whose Nation?	95
The Traditional Catholic/Christian Nation	95
The Post-Colonial Christian Nation	96
Christianity and Modernity	98
The 'Pro-Life' Familial Nation	100
The Anti-Eugenic Familial Nation	100
The Anti-Eugenic Nation at Risk	101
Republican Democracy and Popular Sovereignty	103
The Threat from Government	104
The Threat from Europe	106
The Threat of Modernity (Feminism and Liberalism)	107
Republican Democracy and Equal Citizenship	111
Republicanism	111
Democracy	115

	Page
McCarthyism	117
CONCLUSION	119
Chapter 4	
THE X CASE IN THE PRESS: A RUPTURED MORAL PANIC	122
INTRODUCTION	122
Coverage of the X Case and Abortion Politics	123
Key Themes	123
THE X CASE IN THE NATIONAL PRESS: POPULAR POLITICAL CULTURE IN CRISIS	124
What Audience, Whose Nation?	124
Familial Nationhood and the State	125
State Violation of the Family	125
The State and the Anti-Abortion Lobby	128
National Compassion: Abortion and Sexual Innocence	129
Compassion for Child Rape Victims	129
Rape, Pregnancy and the Right to Travel	132
Reformulation of the Anti-Abortion Position in the Press	134
The 'Pro-Life' Nation: Anti-Abortion-on-Demand	137
Republican Democracy: National Sovereignty, Civil Rights, and Pluralism	141
National Sovereignty	142
Women's Citizenship	143
Equality and Secular Pluralism	148
CONCLUSION	150
PART THREE	
THE X CASE AND ABORTION ACTIVISM: POLITICAL SUBJECTIVITY AND HEGEMONIC IRISHNESS	154
INTRODUCTION	154
Hegemonic Crises and Political Subjectivity	155
METHODOLOGY	157
The Research Process	157
Interviewing Elites: Power and Methodology	160
Interviewing Peers: Relational Subjectivity and Methodology	166

		Page
Chapter 5	THE X CASE AND ANTI-ABORTION POLITICAL SUBJECTIVITY	170
	INTRODUCTION	170
	Interview Participants	171
	Interview Contexts and Power Dynamics	173
	POST X-CASE ANTI-ABORTION POLITICAL SUBJECTIVITY	177
	Anti-Abortion Politics as Democratic	178
	Anti-Abortion Politics as Republican	182
	Anti-Abortion Politics as Feminist	187
	Anti-Abortion Politics as Anti-Colonial	191
	CONCLUSION	200
Chapter 6	THE X CASE AND FEMINIST POLITICAL SUBJECTIVITY	202
	INTRODUCTION	202
	Interview Participants	203
	Interview Contexts and Power Dynamics	206
	POST-X CASE FEMINIST POLITICAL SUBJECTIVITY	207
	Residual 'Outsider' National Political Subjectivity	207
	Emergent Discourses: Feminism and Shifting Nationhood	214
	The X Case, Abortion and the Familial Nation	215
	Feminism as Nationally Heroic	217
	Anti-Abortion Politics as Fundamentalist	220
	Nationhood, Feminism, and Women's Rights	222
	Nationhood and Feminism: The Limits of Political Belonging	223
	CONCLUSION	227
PART FOUR	OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP: THE X CASE AND ABORTION IN THE OIREACHTAS	230
	INTRODUCTION	230
	The Democratic Republican Nation-State	231
	Gender, Sexuality and the State	233
	Methods	234

	Page
Chapter 7	
OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP: OIREACHTAS DEBATES ON THE EIGHTH AMENDMENT	238
INTRODUCTION	238
Political Context	238
Key Themes	240
OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP IN THE OIREACHTAS	241
The Sovereign People and the Constitution	241
The People as the Moral Majority	241
The Authoritarian Nation-State	244
Constitutional Abortion Law and Citizenship	246
Marginal Opposition	249
The Sovereign People and the Constitution	250
The Pluralist Nation-State	255
Constitutional Abortion Law and Citizenship	258
CONCLUSION	261
Chapter 8	
THE X CASE IN THE OIREACHTAS: DISRUPTION AND REPRODUCTION OF OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP	263
INTRODUCTION	263
Political Context	263
Key Themes	265
THE X CASE: RUPTURE AND RECONSTRUCTION OF POPULAR SOVEREIGNTY AND GENDERED CITIZENSHIP IN THE OIREACHTAS	265
The Sovereign People and the Constitution	265
Popular Sovereignty: The Moral Nation?	266
Popular Sovereignty and the Democratic Nation-State	272
Constitutional Abortion Law and Citizenship	277
CONCLUSION	284
CONCLUSION	287
EPILOGUE	291

APPENDIX A: INTERVIEW GUIDE	295
BIBLIOGRAPHY	298

ACKNOWLEDGEMENTS

Thanks to the University of Warwick Graduate Award Scheme for financial support. I am also grateful to Trinity College Library; the British Library; and the British Library of Political and Economic Science for providing access to research materials.

I would also like to thank various audiences who have commented on drafts of the thesis: the Centre for the Study of Women and Gender at the University of Warwick, especially the members of the PhD. Forum, and the participants in the 1999 Methodology Graduate Conference; fellow students on the Sociology Department's Doctoral Training Programme during 1995/96; students on the Sociology Department's Feminist Media Studies Masters Seminar between 1996 and 1999; the Political Science Association of Ireland's Women and Politics 1996 Conference; participants in the Identity Seminar at Wiener Library 1997/98; members of the Women on Ireland Network, especially those who participated in Study Days and the 1998 Conference; participants in the British Association of Irish Studies 1999 Conference; members of the Research Interest Group at the Mental Health Foundation; and the January 2000 Open Forum Seminar at the Institute of Education.

I would especially like to thank members of the Women's Information Network in Ireland, and all interviewees, including those who may not agree with my analysis.

Thanks to everyone who encouraged and assisted me over the years, especially Ann Hayes, Ann Lyons, Breda Gray, David Thompson, Debbie Epstein, Diana Leonard, Diane Fieler, Eilis Ward, Ellen Annandale, Janet Foster, Joan Haran, Marsha Henry, Maxine Molyneux, Patricia Prendiville, Tony Varley, Yvonne

McKenna, and members of the Irish Women's Abortion Support Group. Thanks especially to Louise Ryan for her careful reading of drafts of the manuscript, and to Yvette, Andrew, Karen and Finbarr, for their hospitality on research trips.

In particular, I would like to thank Deborah Steinberg, whose unwavering enthusiasm, patience and advice have been invaluable. Finally, thanks to Cillian, especially for the hand-made desk at which the thesis has been written.

ABSTRACT

This thesis examines the shifts in political culture effected by the 'X case' (1992), when the State issued an injunction to prevent a fourteen year old pregnant and suicidal rape victim from travelling abroad for an abortion. In so doing, this thesis focuses on the connection between discourses of Irish nationhood, gender and sexuality in the fields of reproductive politics and women's citizenship.

Abortion law and politics has had constitutional status in Ireland since 1983, when the right to life of 'the unborn' was officially recognised as ostensibly equal to that of women. This has situated debate on abortion access in an explicitly national framework, since political sovereignty is invested in 'the people'.

Shifting articulations of nationhood and abortion are examined in three specific sites of political culture: the national press; political activist discourses; and official legislative debates. The terms of debate in the press and the Oireachtas (legislature) in particular are compared over time, from the 1983 campaign to recognize a foetal right to life, to 1992, when the legitimacy and meaning of constitutional abortion law was thrown into crisis by the X case.

Two specific reversals in the terms of post-X case abortion politics are examined. Firstly the anti-abortion construction of the nation in familial terms produced popular pressure in 1992 to allow for a right to abortion in the interests of familial integrity. Secondly, the primary antagonism opposing Irish 'pro-life' traditionalism to English 'pro-abortion' modernism was reversed both by the anti-abortion lobby's key role in 'interning' X within the State, and by the popular perception that feminist advocacy of abortion access would reassert the integrity of the violated family. Significant continuities in the construction of abortion law and politics in national terms are also analyzed.

ABBREVIATIONS

AAC	Anti-Amendment Campaign
BPAS	British Pregnancy Advisory Service
GREAC	Galway Repeal the Eighth Amendment Campaign
HLII	Human Life International Ireland
GAA	Gaelic Athletic Association
IFPA	Irish Family Planning Association
IRA	Irish Republican Army
IWASG	Irish Women's Abortion Support Group
PLAC	Pro Life Amendment Campaign
REAC	Repeal the Eighth Amendment Campaign
SPUC	Society for the Protection of Unborn Children
TD	Teachtaí Dála (Elected member of the First House of the Legislature)
WIN	Women's Information Network
WING	Women's Information Network Galway

GLOSSARY OF IRISH TERMS¹

Bunreacht na hÉireann	Constitution of Ireland
Oireachtas	Legislature (First House; Second House; and the President)
Dáil	Legislative Assembly (First House)
Seanad	Senate (Second House)
Taoiseach	Prime Minister
Gardaí	Police
Gealtacht	Officially designated Irish-speaking region

¹The Irish language is officially the first language of Ireland, as stated in Article 8.1 of the Constitution, *Bunreacht na hÉireann*.

PART ONE

INTRODUCTION

The X Case

On the 12th of February 1992, a headline appeared on the front page of the liberal-left wing national newspaper *The Irish Times*, announcing 'State attempts to stop girl's abortion'. A fourteen year old pregnant rape victim, referred to as 'X', had been issued with a temporary High Court injunction, preventing her from obtaining an abortion, and from leaving the State for a period of nine months. The right to life of X's foetus, constitutionally recognized since 1983, was judged to outweigh her own rights to bodily integrity¹ and freedom of movement. The news became the focus of extraordinary public controversy, as mass demonstrations demanding the removal of the injunction became daily events. The State's action, effectively compelling a fourteen year old to carry a pregnancy conceived through rape, was greeted with popular outrage. Characterizations of X and her family as respectable, middle-class, and law-abiding were particularly significant in generating this public reaction. The significance of what were perceived as the exceptional circumstances of this case has had lasting effect on the abortion debate in Ireland, as journalist Aine McCarthy (2000) comments, and indicated a rupture of previous political affiliations. As the editorial of the same newspaper declared in response to the case, Ireland appeared to have 'descended into cruelty' in a way similar to explicitly undemocratic and tyrannical states.²

¹This right has been recognized under Article 40.3.1° of *Bunreacht na hÉireann* (*Constitution of Ireland*), 1937, concerning the personal rights of citizens.

²*Irish Times* 18th February 1992, 'Descent Into Cruelty'.

Abortion Politics and Nationhood

This thesis is interested in the effects this case had on the hegemonic terms of Irish abortion politics, through which a coercive anti-abortion regime had operated legitimately, and with increasing momentum, during the previous decade. More particularly, what follows is concerned with the ways in which anti-abortion politics had operated historically through a politics of national identity, which relied on, and reproduced, hegemonic constructions of Irishness in traditionally familial, patriarchal, and conservatively Catholic terms. The X case significantly unsettled these gendered and sexualized discourses of nationhood. The specifically familial context of the story produced a hugely sympathetic identification with X and her parents, in unprecedented terms, which popularly legitimized limited access to abortion. As Murphy-Lawless comments, people responded to the X case 'as if this were their own daughter' (1993:57). Younger women also responded in terms of identification with X herself. Not only did this shift arguments in favour of women's reproductive rights onto the quintessentially national terrain of the Irish family for the first time, it consequently undermined the previously hegemonic construction of the nation as essentially anti-abortion, copperfastened in 1983 through the 'pro-life' constitutional amendment.³

Three specific questions will be addressed in the thesis, concerning the production and circulation of political culture, key moments in what R. Johnson has described as the 'circuit of production' of culture (1995:584).⁴ Firstly, in what ways were hegemonic constructions of an anti-abortion nationhood

³This is not to deny that Irish women have practiced abortion in large numbers, an act which undermines this very construction of Irishness as opposed to abortion. As Murphy-Lawless argues: '... it has been women's decisions, and particularly one very young woman's decision, which have disrupted the Church-state coalition and demolished the view of women embodied in the Constitution' (1993:61).

⁴The thesis is not concerned, largely for resource reasons, with the consumption of political culture, the third moment in the circuit of cultural production identified by Johnson (1995:584).

produced and consequently problematised in popular political culture following the X case? Secondly, what impact did the crisis in the hegemonic construction of Irishness, generated by the X case, have on the political subjectivity and participation of key campaigners on abortion access, themselves primary definers of the issues at stake? Thirdly, how was the crisis over national identity addressed in official discourses, particularly concerning the privileged position of the nation in the republican state? Thus, the following discussion will provide an analysis of the production and reproduction of Irish political culture, in its popular, official, and entrepreneurial aspects, at a moment of hegemonic crisis. An overarching concern is with the ways in which apparently enduring political discourses can become destabilized or exposed as less stable than they may have appeared, as well as reconstructed in relatively new terms in response to political events and crises.

Before going on to consider these questions, I will outline in more detail the circumstances and immediate impact of the X case; its legal and political background; and the long-term legal and political effects of the case, both in relation to the Constitution, and in terms of political activism. I will then discuss the analytic tools and overall approach adopted in considering these questions, and briefly outline the order of discussion.

The X Case: Circumstances and Immediate Impact

The circumstances of the X case were precisely those that had been predicted by reproductive rights activists in the early 1980s, during the political campaign which had resulted in the constitutional recognition of foetal rights.⁵ The anti-abortion lobby had insisted that such predictions were impossible.⁶ At the time the story was initially reported, an application for the temporary status of the injunction against X to be made permanent was under the Court's consideration, and the Attorney General consequently declared the case *sub judice*, i.e., beyond public comment, until the Court announced a decision. Nevertheless, the controversy which initial reports of the case gave rise to, including the ban on public comment itself, became central to public debate. During this initial period of official silence, the X case was critically debated by the media,⁷ campaigners,⁸ and politicians themselves,⁹ particularly in the light of international attention,¹⁰ and the eruption of national and international protests against the Irish judicial action.

⁵For example, a leaflet from the Anti-Amendment Campaign, advocating rejection of the proposal to amend the constitution to recognise a foetal right to life, stated:

'The most likely way for a court case to arise would be for somebody - *anybody* - to ask the High Court for an injunction. It could be an injunction to:

1. Stop a woman leaving the country to have an abortion;
2. Stop the sale of some kinds of contraceptives;
3. Stop doctors, social workers or family planning clinics telling women who ask for the information about abortion facilities abroad.

Members of PLAC [Pro Life Amendment Campaign] have made no secret of their intention to seek injunctions along exactly these lines if their amendment is passed' (Leaflet published by the Anti-Amendment Campaign, Dublin 7, circa 1982, in author's possession).

⁶Apart from arguing that abortion for rape victims was no more morally acceptable than abortion in any other circumstances, the anti-abortion lobby had denied the possibility that a scenario such as the X case could ever occur as a result of the recognition of a foetal right to life (e.g., McNamara 1983:5-7)

⁷For example, the *Irish Press* ran an editorial on 15th February: 'It is certainly not a problem that will be solved by silence'.

⁸Protests were held in Dublin, London and New York, against the Irish state's actions (see *Irish Times* 15/02/92, p.5).

⁹The *Irish Times* reported on discussion of the issue in the Dáil (parliament) on the front page of its 14/02/92 issue: 'Dáil exchanges, AG rules out discussion on case'. The following day's newspapers reported the critical comments of Michael McDowell, Chair of the small centre-right Progressive Democrats Party, on the High Court's action.

¹⁰Critical coverage appeared in the British and US press, for example: Joyce, Joe (1992) 'Irish court stops UK abortion for rape victim' *The Guardian* 13th February; Holland, Mary (1992) 'New Irish PM faces first text on abortion' *Observer* 16th February; Murdoch, Alan

The official action, injunctioning X from travelling abroad, was the result of a combination of a complex legal-political history and distressing personal circumstances. X was the victim of long-term sexual abuse by a friend's father, who was also a trusted friend of her parents.¹¹ Following the discovery of their daughter's rape and consequent pregnancy, X's parents agreed to support her desire to obtain an abortion. They reported the rape to the Gardai (police), in order to commence criminal proceedings. X's father inquired from the Gardai as to whether DNA evidence taken from aborted foetal tissue would be admissible in the rape trial. Since such evidence had never been presented in the courts, the Gardai referred the question to the Office of the Director of Public Prosecutions. The family were finally advised that such evidence would not be admissible. They left for Britain on the 6th of February, the same day that the injunction was issued. On hearing of the Court's action, however, the family immediately returned to Ireland before X had obtained the abortion. Upon return, X was diagnosed as suicidal and was placed under medical supervision.¹²

(1992) 'Rape victim, 14, denied abortion' *Independent* 18th February; William E. Schmidt (1992) 'Girl, 14, Raped and Pregnant, Is Caught in Web of Irish Law' *New York Times* 18th February; *Los Angeles Times* Editorial 'When Abortion Is Illegal: Ireland shows how not to handle the issue' 19th February 1992; Glen Frankel (1992) 'Court Ruling On Abortion Shakes Irish: Ruling Illuminates Conflicts over Future' *Washington Post* 19th February; *Baltimore Sun* 'Irish Abortion Quandry' 21st February 1992; *The Philadelphia Inquirer* 'Rape victim's plight shakes soul of Ireland' 20th February 1992. The author is grateful to Catholics for a Free Choice for providing details of coverage of the X case in the United States press.

¹¹The story behind the case is related in detail by Wendy Holden (1994). See also O'Reilly (1992) and Smyth (1992a).

¹²The rapist was eventually sentenced in June 1994 to 14 years for unlawful carnal knowledge, having been described by Justice Costello in his High Court judgment in the X case as a 'depraved and evil man'. However, the Court of Criminal Appeal reduced his sentence to 4 years in March 1995, and he was freed after serving three years, on 31st May 1997 (Balls, Richard 1997 'Man in X case freed after serving three years', *Irish Times on the Web* (<http://www.ireland.com>) 27th June). In September 1999 he was accused of indecently assaulting another schoolgirl in his taxi. Although, the Gardai had been informed by the National Taxi Drivers' Union that he was driving a taxi in Dublin, they had nevertheless decided to allow him to keep his licence (O'Loughlin, Ann (1999) 'X-case rapist accused of sex assault on girl' *Irish Independent* 20th September).

The injunction had been sought by the Attorney General, the chief legal officer of the State, whose office is constitutionally charged with the prosecution of crimes in the name of the People.¹³ He had been informed of the planned abortion by the Director of Public Prosecutions. As already mentioned, the 'unborn' have a constitutionally recognised right to life, which the State is obliged to defend. This right, usually referred to as the Eighth Amendment,¹⁴ had been incorporated into the Constitution following a referendum in September 1983, the outcome of an intense three-year campaign by anti-abortion groups, in the absence of any feminist campaign for abortion access.¹⁵ In granting the injunction, the High Court held that the risk to X's life from her suicidal state, the consequence of rape and pregnancy, 'is much less and is of a different order of magnitude than the certainty that the life of the unborn will be terminated if the order is not made' (Costello, J., in *Attorney General v. X and Others* [1992] Irish Law Reports Monthly: 410).

The publication of this decision ended the *sub judice* ruling, and the controversies raised by the case overwhelmed political debate on the streets, in the media, and in the Oireachtas (legislature). Massive public demonstrations against the ruling occurred daily. Students abandoned their classrooms to demonstrate outside government buildings. The singer Sinéad O'Connor spoke publicly about her two abortions, and successfully demanded a meeting with the Taoiseach (Prime Minister), Albert Reynolds, himself only days in office, to

¹³Article 30.3, *Bunreacht na hÉireann* (Constitution of Ireland).

¹⁴This amendment states the following: 'The state acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right' (Article 40.3.3° *Bunreacht na hÉireann*).

¹⁵Discussion of this campaign can be found in Girvin 1986; Randall 1986; Mahon 1987; Hesketh 1990; O'Carroll 1991; Barry 1992; O'Reilly 1992; and Hug 1999. A particular point of controversy regarding the result of this referendum was that, although the amendment was ratified by 66.9% of voters, only 54.6% of the electorate actually voted. Thus, only 36% of the electorate favoured the amendment. Many argued that the low turnout represented a protest against the referendum itself (e.g. Girvin 1986). At the very least, it suggests a lack of popular enthusiasm for the Eighth Amendment, and perhaps also for the referendum process.

discuss the case. Newspapers, talk-shows and current affairs programmes were absorbed with coverage of reactions to the case, and new political alliances emerged aiming at obtaining the repeal of Article 40.3.3°. Of central importance to the governmental response to the case was the international condemnation the High Court injunction received. This was particularly embarrassing at a time when Ireland held the Presidency of the European Union (O'Reilly 1992).

Significantly, it was the Government who persuaded the family involved to lodge an appeal against the injunction with the Supreme Court, and offered to cover all legal costs. The decision on appeal was delivered on March 5th, when the injunction was lifted by a majority of four judges to one. The decisions of the majority of the Court, published individually, relied primarily on a reinterpretation of Article 40.3.3°, for the first time emphasizing that the 'mother's' right to life be given 'due regard'. As Chief Justice Finlay defined it, abortion would be constitutionally permissible, '... if it is established as a matter of probability that there is a real and substantial risk to the life as distinct from the health of the mother, which can only be avoided by the termination of her pregnancy.'

Thus, the initial High Court ruling, that suicide did not constitute a substantial enough threat to a pregnant woman's right to life such as to justify abortion, was reversed. Another major ground for the Supreme Court's ruling was that the injunction had constituted an unwarranted interference with the authority of the family.¹⁶ The question of whether women's right to travel could be compromised by a competing foetal right to life had been raised but not resolved in this decision, although the Chief Justice had argued, in a non-

¹⁶This was emphasized in particular by Justice Hugh O'Flaherty.

binding (*obiter dicta*) part of his judgment, that it could be. In fact, a majority of three of the judges held that the right to travel was not absolute. Thus, Article 40.3.3° had facilitated the legalization, albeit severely limited, of abortion in Ireland, precisely what it had been designed to prevent.¹⁷ As the *Irish Press* editorial commented:

During that [1983] referendum campaign, opponents pointed out that cases such as this could arise, with girls and women being arrested at ports and airports on their way to Britain for abortion, or on their return. The claims were dismissed as scare stories by those backing the amendment. Now, suddenly, they are coming true with a brutality that even the critics would not have predicted (18th February 1992, p.8).

The Pro-Life Amendment Campaign

Prior to the X case, the Eighth Amendment had never been applied to prevent any woman from obtaining an abortion in Britain. Abortion had been a criminal offence since the passing of the 1861 Offences Against the Person Act, under British rule. As Randall comments, the insertion of the Eighth Amendment simply reinforced the existing prohibition (1986:67). Why was the Amendment ratified in the absence of any feminist activism on abortion?

The amendment had been sought at a time when Ireland was becoming increasingly open to international influence. The Pro-Life Amendment Campaign (PLAC) emerged at the end of the 1970s, provoking an intensely bitter conflict which, as Keogh argues, probably had no parallel in the previous

¹⁷Mary O'Carroll (1999) comments that the anti-abortion lobby were 'hung by their own rope'. Conor Gearty in highlighting the irony that anti-abortion advocates of the Eighth Amendment were now the facilitators of legally available abortion, notes that "'Yes" had meant "no", and "no" had meant "yes"' (1992:443).

fifty years of the State's existence (1988a:152). Its purpose was primarily to counter what was seen, from a right-wing perspective, as the growing legitimacy of secular, liberal and feminist ideas in Ireland (Randall 1986). O'Carroll, for example, has argued that the 1983 referendum emerged from anxiety over the continuity of a 'traditionalist' national identity:

... abortion became a symbol which subsumed many of the core values of Irish identity - Catholicism, family, patriarchal domination, fear of sex and opposition to 'alien' ideas. In the circumstances, the futile pre-emptive strike against abortion is best seen as a defence of a threatened Irish identity and an aggressive reassertion of ultimate distinctiveness (1991:67).

The PLAC was formed not in reaction to any campaign or specific legislative proposal to legalize access to abortion, but rather in response to a range of cultural and legal shifts that had occurred since the late 1960s.¹⁸ These shifts had unsettled the post-independence conservative socio-political hegemony, through which the nationhood project had been defined and legitimized. The newly independent nation-state had been characterised from its inception by a sexual puritanism which authorized, for example, extensive state censorship; a ban on divorce; bans on married women working in the civil service, local authorities, and health boards; and a ban on the importation and sale of contraceptives.¹⁹ It was also distinguished by a patriarchal nationalist discourse of the 'blood and soil' variety (MacLaughlin 1999), which consigned women to lives of domestic labour, and dependence on men for their survival and status. These conservative discourses found expression in the new State's Constitution

¹⁸As O'Carroll puts it, the 1983 referendum concerned abortion in theory rather than in practice (1991:54).

¹⁹This latter ban was effected by the 1935 Criminal Law Amendment Act.

(1937), which recognised both the 'special position' of the Catholic Church in the State,²⁰ and that women's 'life within the home ... gives the state a support without which the common good cannot be achieved.'²¹ The Catholic church's control over education, health and other social services was unchallenged (Speed 1992).

The conservative hegemony in the State was not, however, uncontroversial. A major instance of conflict had occurred, for example, in the 1950s, over a (defeated) government proposal known as the 'mother and child' scheme, aimed at making free medical care available for mothers and their children up to the age of sixteen. Three aspects of this proposed scheme proved unacceptable to the religious-political establishment: that doctors could advise mothers on issues such as family size; that women could not themselves choose a doctor, which meant that Catholic mothers could be assigned to non-Catholic doctors; and that the scheme seemed resonant of state-socialism, a secular ideology anathema to the Ireland of the 1950s (Keogh 1994:179-181). However, the scheme's failure is generally seen as indicative of the conservative Catholic hegemony of the time (Whyte 1980).

By the late 1950s Ireland was in a state of severe economic crisis, and the protectionist economic policy of the previous decades was finally reversed, in an attempt to turn the State's economy around.²² Significant cultural transformation followed, as Ireland became industrialized and more outward looking. The economy began to grow, and other major changes occurred, such as the establishment of a national television station with an outward-looking

²⁰This was removed by popular referendum in 1972 (Brown 1985:308).

²¹ Article 41.2.1°. Article 41.2.2° is also significant: 'The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.'

²²See, for example, Brown (1985); Lee (1989); Keogh (1994).

agenda. This provided a new forum where traditional orthodoxies were challenged and alternative views defended (O'Carroll 1991:58). The 1970s in particular saw the erosion of conservative power in Ireland's laws and political culture. The State joined the E.E.C. in 1973, thereby becoming a member of a secular and liberal political association,²³ which had significant effects, for instance enabling the introduction of equal pay for women and men, at least formally. Other major changes included a partial reversal of the ban on contraception in 1973, following a successful constitutional challenge to the legislation. The case in question was highly significant in undermining the security of the conservative status-quo. Brought by a married woman, through the sponsorship of the Irish Family Planning Association, the Supreme Court held, on appeal, that the State had infringed a fundamental constitutional right to marital privacy when it confiscated the spermicidal jelly which Mary McGee had ordered from England on medical advice. The Court had reinterpreted what had been thought of as unproblematic legislation, based as it was on the same Catholic principles that the Constitution incorporated (Whyte 1980:408-410). The peculiar resonance with the events of the subsequent X case are not insignificant.²⁴

Other indications of cultural change in the 1970s also signified challenges to conservative patriarchal hegemony. The State established the Commission on the Status of Women in 1969, following a UN directive (Mahon 1987:57).

²³By 'liberal' I mean officially according priority to individual decisional autonomy, based on the recognition of individual legal personality, and individual rights, as opposed to state paternalism involving the priority of 'majority will' or 'community norms' over the individual (Cohen, J.:1996). The argument here is not that the European Union exemplifies this political value. On the contrary, EU citizenship is structured through particularly racist and gendered categories of inclusion and exclusion (e.g. see Brah 1993; Bhavnani 1993). However, in relation to the 'common good' republicanism informing Irish laws and political institutions, which often translates into religious-derived legal principles militating against decisional autonomy for citizens, as the abortion controversy demonstrates, the EU provides a more liberal counterbalance which can be used in the service of individual rights.

²⁴Gearty (1992) situates the X case specifically in relation to the McGee precedent.

Feminist groups such as Irish Women United, and the Irish Women's Liberation Movement, emerged in this period, and publicly campaigned for access to contraception, among other things, although notably not on legalising abortion.²⁵ As Randall points out, feminism in Ireland at this time was small and diverse, and did not have a coherent position on abortion. The issue was forced on Irish feminists by the anti-abortion lobby (1986:83). Nevertheless, women were increasingly accessing contraceptives through semi-legal manoeuvring, with the assistance of the Irish Family Planning Association. For example, the contraceptive pill could be defined as a 'cycle regulator' rather than a contraceptive, and could be legally prescribed as such.²⁶

International changes in legislation on reproductive rights also had an impact on the cultural climate in Ireland. The legalisation of abortion in Britain in 1967 led to an increase in Irish women traveling to that jurisdiction to obtain legal abortions (Randall 1986:68). The 1973 Constitutional Supreme Court decision in the United States, *Roe versus Wade*, provided a significant example of the possibilities of judicial action in this area, particularly in the light of the McGee judgment already mentioned. The Irish judiciary tend to be influenced by the Constitutional arguments and decisions of the U.S. Supreme Court, given the similar nature of the institutions (Gearty 1992:443-447). Indeed, the McGee case had specifically relied on U.S. precedent (Whyte 1980:409).

This national and international accumulation of events throughout the 1960s and 1970s threatened to undermine the hegemony of conservative and patriarchal discourse through which Irish legal, political and social decisions and policies had been produced. It was against this background that the Pro-

²⁵Although there was a Women's Right to Choose Group, which began meeting in 1978, it was not prominent (see Gordon 1984; Levine 1982).

²⁶Whyte (1980:403) points out that in 1978 the Irish Medical Association estimated that 48,000 women had been prescribed the pill in this way.

Life Amendment Campaign (PLAC) emerged, with the specific intention of preventing the courts in particular from introducing legal abortion to Ireland, by conferring a constitutional right to life on 'the unborn'. The specific focus on abortion can be read as symptomatic of a conservative anxiety about the impending transformation of hegemonic discourses of gender, sexuality, and reproduction, through which the project of nationhood had been constructed. As Randall argues, the amendment itself was a signal of change (1986:67). However, one major cultural effect of the PLAC, given the absence of any mainstream feminist movement aimed at decriminalizing abortion, was that moral opposition to abortion hegemonically defined the terms of the debate during the 1980s and early 1990s, prior to the X case, as the following chapters will demonstrate. Notably, the Anti-Amendment Campaign (AAC), launched in 1982 in opposition to the PLAC, did not position itself in feminist reproductive rights terms.²⁷ However, as Mary Gordon comments, the anti-abortion commonsense of the time was such that to oppose the amendment even without advocating reproductive freedom was itself extraordinarily radical (Gordon 1984:16-17).

The most immediate effect of the new constitutional abortion ban following the September 1983 referendum was that information on abortion was declared to be unconstitutional by the courts. A succession of cases during the 1980s and early 1990s closed down information and non-directive counselling services, on this basis.²⁸ A number of clinics in Dublin provided such assistance, and were

²⁷Rather, this campaign was based on five specific arguments: that a constitutional amendment would not solve the problem of unwanted pregnancies; that no exceptions would be allowed to a constitutional ban on abortion; that the proposed amendment was sectarian; that the possibility of legislation on abortion would be prevented; and that the referendum was a waste of scarce public funds (Gordon 1984:14).

²⁸The definition did not extend to banning 'information' about what might allegedly happen to foetuses during the process of abortion. Thus, organizations presenting graphic images of foetuses during the process of abortion, and the aftermath, have never been prosecuted for infringing the 'information' ban.

prosecuted and closed down following judicial action brought by the Society for the Protection of Unborn Children (SPUC) in 1986.²⁹ Student Unions who defiantly provided information in their student handbooks were subsequently prosecuted in this way.³⁰ SPUC were joined in their initial action against the clinics by the Attorney General, in order to prevent any questions arising as to their *locus standi*, i.e., their entitlement to take the case, on the grounds of whether the group were directly affected by the actions under consideration (Robertson 1997: 135-6).³¹

Thus, the period between 1986 and the occurrence of the X case in 1992 was characterized by injunctions against organizations providing women with support and assistance; counter actions which either ignored or subverted the ban;³² and censorship of anything that might constitute a source of abortion information. Self-censorship was practiced by booksellers and newsagents. Women's health books which included addresses and telephone numbers of

²⁹The initial decision in what was to be a long-running series of actions and appeals was given by the High Court in December 1986, in *The Attorney General at the Relation of the Society for the Protection of Unborn Children Ireland Ltd. v Open Door Counselling Ltd. and The Dublin Well-Woman Centre Ltd.* [1987] Irish Law Reports Monthly: 477. This case was eventually successfully appealed to the European Court of Human Rights in Strasbourg, on 29th October 1992 (1993) 15 EHRR 244.

³⁰The initial case against the students was: *The Society for the Protection of Unborn Children Ltd. v Diarmuid Coogan, Anna Farrell, David Hughes, Ann Marie Keary, David Kilroy, Belinda Flaherty, Kevin McDermot, Francois Pithion, Andrew Cunningham and University College Dublin.* 7th September 1988 [1989] Irish Law Reports Monthly: 526. Following a series of appeals and counter appeals, including to the European Court of Justice, the initial injunction was finally lifted by the Supreme Court on appeal in March 1997, following significant changes in the law on abortion information, precipitated by the X case (See *Irish Times* 6th March 1997; 10th March 1997).

³¹However, in the case brought by SPUC against the Student Unions in 1988, the Attorney General refused to join them in the action, on the basis of a technicality. Justice Mella Carroll in the High Court refused SPUC's application, saying: 'I am not prepared to have a self-appointed group step in and take over the application of the law.' However, the injunction was granted on appeal by the Supreme Court. Justice Mella Carroll was later appointed Chairwoman of the Second Commission on the Status of Women (O'Reilly 1992:120-121).

³²Although the two organizations offering non-directive pregnancy counselling, Open Door and the Well Woman Centres, either shut down or ceased providing counselling, abortion advice and information remained available from underground sources (Murphy-Lawless 1983:56). This will be discussed in more detail in Chapter Six.

clinics in Britain offering abortion services were removed from public libraries, as were British telephone directories. British magazines carrying advertisements for abortion clinics produced specially censored editions for the Irish market. However, the numbers of women travelling to Britain for abortions each year did not diminish during this period, and indeed received some assistance from a network of reproductive rights activists working illegally.³³ British clinics reported that women from Ireland arrived less prepared and more anxious than they had been prior to the SPUC cases, since the decision-making process had been curtailed by the successful prosecution of the non-directive clinics, and the culture of secrecy surrounding abortion practice had been intensified (Barry 1992:116; Conroy-Jackson 1992:133-4). The clinics also reported an increase in later abortions following the 1986 High Court injunction against the provision of information and assistance to Irish women (Murphy-Lawless 1993:56; Hug 1999:164).

Legal Political Effects

Constitutional Crisis

The criterion set out by the Supreme Court's decision in the X case, namely that abortion was constitutional in situations where a woman's life was threatened by her pregnancy, including a threat of self-destruction, undermined the perception that the Eighth Amendment guaranteed an absolute ban on abortion. This decision, and the transformation of attitudes to abortion which surrounded the political upheavals of the time, was greeted with shock by anti-abortion campaigners, who immediately began campaigning for a second referendum to have the ban on abortion restored. As they put it, Ireland now had the most liberal abortion law in the world, since there was no time restriction on when abortions could be allowed (Speed 1992:97).

³³See Chapter Six for detailed discussion of this network.

The situation was complicated by the imminent prospect of further European integration, to be effected by the proposed ratification of the Maastricht Treaty in 1992. Prior to the X case, anti-abortion concerns about the effect of European law on the constitutional ban on abortion in Ireland had prompted the government, in an attempt to protect the abortion ban from European law, to attach a Protocol to the Maastricht Treaty, which declared that: 'nothing in the Treaty ... shall affect the application in Ireland of Article 40.3.3 of the Constitution of Ireland.'³⁴ This was designed to close off the European Courts as an avenue of appeal against domestic court applications of the Eighth Amendment, a route pursued by abortion information providers when prosecuted during the 1980s. However, in the light of the new interpretation of that Article in the X case judgment, it seemed to the anti-abortion lobby that the right to abortion, in the specific circumstances defined in the X case, would be copperfastened by the European Union.

Furthermore, the Supreme Court's reinterpretation of the Eighth Amendment called previous court rulings on the constitutionality of information on abortion into question. In addition, women's right to travel outside the State had also been compromised through the X case. The High Court ruling had held that in the event of a conflict between the constitutional right of a woman to travel and the constitutional right of a foetus to life, the right to life of the foetus would outweigh the right to travel of the woman. This issue was not resolved by the Supreme Court in its ruling, which lifted the injunction against X travelling not on the grounds that travel is a basic right of all citizens in a democratic state, but rather on grounds of a threat to X's life, as well as on grounds of family privacy, as already mentioned.

³⁴Protocol 17, quoted in Kennelly and Ward 1993:117.

The Maastricht Treaty could only be ratified in Ireland by popular referendum. However, the Protocol attached to that Treaty, guaranteeing that European law could have no effect on the Eighth Amendment, now seemed redundant. The government was now planning, in response to public pressure, to hold referendums to amend the Eighth Amendment in order to deal with the issues of travel and information, as well as the right to abortion. Thus, the Protocol would have no effect on any new constitutional amendment concerning abortion law. It only applied to the Eighth Amendment. Fearing that this new uncertainty over the status of Irish abortion law in the European context would result in a popular refusal to ratify the Maastricht Treaty, the Government sought to have the Protocol amended or deleted. However, its European Union partners were unprepared to reopen the Treaty for amendments, fearing that other states might also request changes, and that the entire process of ratification would be seriously delayed. Instead, member states made a Solemn Declaration, stating that the Protocol was not intended to interfere with rights to travel and obtain information, and that they would be prepared to amend the Protocol if Article 40.3.3^o were to be amended. However, as the legal status of this Declaration was dubious, the questions over Irish women's citizenship in Europe had not been resolved. This provided a major source of feminist opposition to ratifying the Maastricht Treaty, both in Parliament and outside. Moreover, the 'pro-life' lobby were also opposed to ratifying the Treaty, on the grounds that the Protocol protected an Article in the Constitution which allowed for, in their view, abortion on demand.³⁵ Hence the Maastricht Treaty

³⁵Allowing for abortion on grounds of suicide, as the X case judgment asserts that Article 40.3.3 does, is in effect allowing for abortion on demand, according to the 'pro-life' activists, since risk of suicide is not a medically certifiable condition, and hence is not in fact a threat to the life of the woman. Rather, they see it as a threat from the woman to the foetus. The argument is that any woman who is genuinely suicidal should be committed to a psychiatric hospital and physically restrained from committing suicide until the baby is born (Loscher 1992). There is a deep suspicion of any woman who claims to be suicidal through pregnancy, since they argue that, on the basis of medical and psychiatric evidence, pregnancy is good for

campaign saw an unusual association between the pro-choice and anti-abortion activists. However, this did not ultimately translate into a popular rejection of the Treaty. The economic benefits of membership of the E.U. would seem to have outweighed any legal or political questions the abortion issue raised.

The government finally introduced proposals to amend Article 40.3.3° to deal with the issues raised through the X case in the autumn of 1992. Three separate referendums were proposed, dealing with travel, information, and what was euphemistically termed the 'substantive issue', namely the availability of abortion in the State. The travel amendment simply stated that Article 40.3.3° could not be used to limit freedom to travel. The information amendment similarly stated that freedom to obtain or make available information could not be limited by Article 40.3.3°, but this was made 'subject to such conditions as may be laid down by law'. This left open the possibility of limiting the availability of abortion information legislatively, which was subsequently done by the 1995 Information Act.³⁶ Both of these amendments were relatively uncontroversial, and were accepted by referendum. The abortion issue, however, was the source of more substantial controversy. This amendment stated that:

It shall be unlawful to terminate the life of an unborn unless such termination is necessary to save the life, as distinct from the health, of the mother, where there is an illness or disorder of the mother giving

mental health, and in fact protects women against suicide. Women claiming to be suicidal during pregnancy are either not being entirely honest, (i.e., using the threat of suicide in order to secure an abortion) or are in need of protection from themselves, and should be regarded as irrational. Therefore they should not be treated as autonomous agents whose intentions or decisions should be given any weight.

³⁶This Act distinguishes between information and referral, and continues to criminalize the latter. Thus, information providers, including doctors, are unable to make appointments on behalf of women, but can furnish clinics with any relevant medical history once requested to do so.

rise to a real or substantive risk to her life, not being a risk of self-destruction.³⁷

Although the government attempted to secure the passage of this amendment by warning that, in the event of its rejection, liberal abortion legislation would be introduced in line with the X case decision, their heavy-handed strategy failed. Neither pro-choice nor anti-abortion activists accepted the proposal. For the anti-abortion lobby, any move towards legalising what they term 'direct' abortion was unacceptable.³⁸ For pro-choice, left, and liberal parliamentary and extra-parliamentary activists, there were many objections to the amendment. The distinction between the life and the health of the 'mother' was unacceptable. The exclusion of suicide as a ground for legal abortion, the very circumstances of the X case, was also unacceptable. For many, legalising abortion only on grounds of a threat to the life of a pregnant woman was much too restrictive, involving a spurious distinction between life and health. Abortion should be available in many more instances than this would cover, and particularly for cases of rape and sexual abuse, as in the X case. Many argued that the constitution was an inappropriate place to deal with the complexity of abortion access, instead advocating the introduction of legislation on the basis of Article 40.3.3°, as interpreted by the X case judgment. As a result of the broad basis of opposition, this amendment was rejected by referendum.

³⁷Quoted in Kennelly and Ward, 1993:119.

³⁸The 'pro-life' lobby in Ireland rely on the Catholic doctrine of 'double effect' to distinguish between 'direct' and 'indirect' abortions. This means that if an abortion was an unintended effect of a medical intervention in pregnancy where a woman's life is at risk, for instance in cases of ectopic pregnancies, then that is defined as an 'indirect' abortion, and is morally acceptable. This use of the concept of intent is different from intent as it is used in Irish law, where any foreseeable consequence resulting from an action is defined as intentional. Therefore in law, an abortion which results from intervening in an ectopic pregnancy is intended, regardless of the fact that it wasn't the primary purpose of the intervention. The fact that abortion was foreseeable indicates that it was intended. In principle, such abortions should not be able to escape prosecution on the grounds that they are 'indirect' and therefore unintentional. The fact that there has never been a prosecution for such 'indirect' abortions, which the medical establishment make no apology for performing, suggests that the Catholic right wing in Ireland are hegemonic in legal and medical institutions.

The Supreme Court judgment in the X case continues to define the law on the provision of abortion, although the guidelines issued by the Medical Council, the medical profession's regulatory body, continue to define abortion as essentially unethical.³⁹ Hence if a medical practitioner were to perform a legal abortion under the conditions laid out by the X case judgment, they would risk being struck off the medical register (Hug 1999:190-191).

The decision in the X case was reinforced in 1997, in a second case of sexual violence and consequent pregnancy, this time concerning a thirteen-year-old traveller.⁴⁰ The victim in this case, known as 'C', was violently raped by an associate of her father's. She became pregnant and was diagnosed as suicidal. Following the rape, her parents made her a ward of court, and she was placed in foster care. Her father went on national radio to discuss the case, in support of his daughter's wish to have an abortion. The case was heard by the Children's Court, which held that her right to travel could not be compromised by her pregnancy, following the Constitutional amendment guaranteeing women's right to travel. However, an anti-abortion organization contacted C's father, and persuaded him to change his position in relation to the planned abortion. He attempted to have his daughter returned to his guardianship, but failed, since he did not appear to be primarily concerned with her best interests. C was eventually taken to Manchester for an abortion by the State, in the form of the Eastern Health Board, on 3rd December 1997, accompanied by two Gardaí, who oversaw the process of DNA testing in Britain, the results of

³⁹The Guidelines issued in November 1998 state the following: 'The deliberate and intentional destruction of the unborn child is professional misconduct. Should a child in utero suffer or lose its life as a side effect of standard medical treatment of the mother, then this is not unethical. Refusal by a doctor to treat a woman with a serious illness because she is pregnant would be grounds for complaint and could be considered to be professional misconduct' (quoted in The Stationery Office, 1999:34).

⁴⁰Nomadic Irish Travellers, a long-established ethnic group, suffer racist exclusions within the culture and political structures of the state, as MacLoughlin notes (1999:134).

which were used as evidence in the rape trial. The rapist was tried in December 1998, and was sentenced to twelve years, with the last four years suspended if he agreed to undergo rehabilitation treatment for sex offenders. He was publicly named, and given a heavy sentence, not only because of the violence of his crime, and his subsequent three month disappearance, but also because, as the judge explained, his actions had led to the death of another child through abortion.⁴¹

In an attempt to address the continuing uncertainty over abortion access, the Government established an Inter-Departmental Working Group on Abortion in 1997. The group invited submissions from interested individuals and organizations, receiving over 10,000, as well as 36,500 petitions signatures, mostly from an anti-abortion perspective (The Stationery Office, 1999:57, 159-161). A Green Paper, essentially a discussion document, outlining and analyzing the legal issues involved, and considering a range of possible legal responses, was published in September 1999.⁴² This document attempted to redefine abortion provision in medical rather than moral terms.⁴³ It discussed seven possible approaches to revising abortion law, from an absolute ban to the provision of abortion on demand.⁴⁴ The introduction to the document both

⁴¹'Rapist at the centre of 'C' case is sentenced to 12 years in prison' *Irish Times* 18th December 1998. Thus, foetal protection discourse was ironically rearticulated in a case where the State itself had actually facilitated and paid for C's abortion.

⁴²As the Green Paper states: 'It is clear that many Irish people regard abortion with abhorrence, whatever the circumstances' (p.58). The section on Ethical and Moral submissions is concerned largely with religious perspectives on abortion, although the final short paragraph states: 'Some submissions argue that there is a need to respect the moral diversity which exists among people of sincerity and good conscience and to respect a pregnant woman's moral viewpoint'. Feminist arguments concerning women's rights are dealt with as a subsection under the heading 'Other issues'. This position is briefly outlined, and then countered by the following: 'On the other hand, as indicated earlier, the view is expressed in many other submissions that the unborn have an equal right to life and that a woman should not therefore be allowed discretion in relation to the continuation of her pregnancy' (*ibid.*: 79).

⁴³ The first chapter of the document places abortion in medical context.

⁴⁴The following are the proposed options outlined by the Green Paper: an absolute constitutional ban on abortion; a constitutional amendment to restrict the application of the X case; the retention of the *status quo*; the retention of the constitutional *status quo* with

noted that very few submissions were received from medical bodies or organizations, and explicitly solicited such submissions.⁴⁵ More than 105,000 written submissions were made in response to the Green Paper, and the All-Party Oireachtas Committee on the Constitution invited oral presentations, selected from these submissions, to be made at public hearings, which began in May 2000. The Committee invited medical professionals, representatives of the main maternity hospitals, and Youth Defence, a radical anti-abortion organization, to present their positions at these hearings. In July 2000 the Committee invited representatives of all church leaders to make oral presentations, following reported inquiries from the Catholic hierarchy as to whether it would be invited to respond.⁴⁶ A number of 'pro-choice' groups were also invited to contribute to the hearings in July, including the Cork Women's Right to Choose Group, and Catholics for a Free Choice, whose presentation the Catholic Hierarchy attempted to block by claiming that they distorted Catholic teaching.⁴⁷ Thus, the constitutional future of abortion law remains unclear, not least as the official primary definition of the issue is apparently shifting from confessional-moral to medical grounds.

legislative restatement of the prohibition on abortion; legislation to regulate abortion in circumstances defined by the X case; a reversion to the position as it pertained prior to 1983; and permitting abortion on grounds beyond those specified in the X case (The Stationery Office 1999:107-108).

⁴⁵The Adelaide Hospital Society, a traditionally Protestant organization, made a submission recommending that abortion should be dealt with in the context of women's health care, and that legislation should be introduced to make this possible, in line with the judgments of the X and C cases (*Irish Times on the Web* Editorial, 'Abortion in Ireland' 18th May 1998, <http://www.ireland.com>). The publicity this recommendation received led to street protests outside the hospital. See 53n below.

⁴⁶McGarry, Patsy (2000) 'Churches invited to abortion hearings' *Irish Times on the Web* 15th June, <http://www.ireland.com>; McGarry, Patsy (2000) 'Connell to give views to abortion hearings' *Irish Times on the Web* 3rd July, <http://www.ireland.com>. These submissions were heard on 5th July 2000, and although all agreed that abortion should not be easily available, the submissions diverged in terms of which of the Green Paper's seven options were preferred (Coughlan, Denis 2000 'Archbishop leaves Ahern with no easy way out' *Irish Times on the Web* 6th July, <http://www.ireland.com>).

⁴⁷Healy, Alison (2000) 'Status of Catholic group questioned' *Irish Times on the Web* 13th July, <http://www.ireland.com>.

Post-X Case Abortion Politics

The constitutional changes effected by the X case have facilitated the re-introduction of non-directive pregnancy counselling and support. In 1992, the Irish Family Planning Association (IFPA) established a service in association with the British Pregnancy Advisory Service (BPAS). Advice and information on all aspects of reproductive health are now available, although, since the passage of the Information Act in 1995, organizations have been prevented from making 'referrals' on behalf of individual women. The guarantee that women have a constitutional right to travel to obtain abortions abroad, and to obtain information on abortion services available abroad, has been interpreted as popular endorsement of a limited right to abortion, albeit not on Irish soil (Murphy-Lawless 1993:58). This appears to have defused demands to liberalize abortion access within Ireland, although pressure for such changes continues to emanate from reproductive rights groups such as the Alliance for Choice, and professional health care organizations, such as the Adelaide Hospital, as demonstrated by submissions on the issue made to the All-Party Oireachtas Committee on the Constitution, described above.

Anti-abortion activism, on the other hand, was unable, in the immediate aftermath of the X case, to draw authority from the church in support of its position, not least because the church was itself facing a major legitimacy crisis of its own, which made it particularly difficult for the hierarchy to take any strong moral position concerning sexuality and reproduction. In May 1992, shortly after the X case, the Bishop of Galway, Eamon Casey, was forced to resign and leave the country, following reports that he had a seventeen-year-old son in the United States, whose mother, a distant cousin, had been in receipt of church funds (Hug 1999:177).⁴⁸

⁴⁸A number of other scandals subsequently emerged concerning the sexual activities of members of the clergy. One prominent priest, Fr. Michael Cleary, who had publicly claimed

The X case and contemporary circumstances served to undermine, at least temporarily, the hegemony of the anti-abortion right wing, not least by drawing attention to the vulnerability of children to sexual abuse and violence, and the inadequacy of the anti-abortion response to the consequences of such violence. In particular, the emergence of a succession of scandals involving children abused by clergy and nuns received intense public attention following the X case. Thus, the authority of the church, and particularly its relationship to the development of social policy specifically in the area child protection, was seriously damaged.⁴⁹ One case in particular, involving the extradition to Northern Ireland of Fr. Brendan Smyth over charges related to child sexual abuse, led to the collapse of the government in November 1994.⁵⁰ The scandals surrounding church involvement in widespread child sexual abuse have continued throughout the 1990s, and some religious organizations have published public apologies in the national press.⁵¹ The Bishops eventually established an Advisory Committee on Child Sexual Abuse by Priests and Religious, whose report, *Child Sexual Abuse: Framework for a Church*

that the X case was simply a fabrication of the liberal-left, was discovered to have had two children with his house-keeper. Furthermore, newspapers carried reports of a priest found dead in a gay club in Dublin, who received last rites from two other priests who were also present (Hug 1999:177).

⁴⁹For instance, the death of an eleven month old baby while temporarily in the care of the Sisters of Mercy during the 1950s received intense public attention during 1997. The order gave the family concerned a £20,000 settlement, and published an apology in the press for its 'lack of courtesy and compassion at that time' (*Irish Times on the Web* Editorial, 'The Death of Baby Howe' 11th October 1997, <http://www.ireland.com>).

⁵⁰For an account of the details of this case, see Smyth 1995.

⁵¹For example, the Christian Brothers, primarily an educative order, published the following half-page advertisement in broad sheet Sunday newspapers on 29th March 1998: 'Message from the Irish Christian Brothers: Over the past number of years we have received from former pupils serious complaints of ill-treatment and abuse by some Christian Brothers in schools and residential centres. We, the Christian Brothers in Ireland, wish to express our deep regret to anyone who suffered ill-treatment while in our care. And we say to you who have experienced physical or sexual abuse by a Christian Brother, and to you who complained of abuse and were not listened to, we are deeply sorry. We want to do more than say that we are sorry. As an initial step, we have already put in place a range of services to offer a practical response. Further services will be provided as needs become clearer.' The advert then supplies an independent and confidential help-line number.

Response was published in 1996, recommending the establishment of formal procedures for dealing with allegations of sexual abuse. An indication of the shift in the church's generally authoritative position on matters relating to sexuality and reproduction during the 1990s can be seen, for example, in the highly critical public response to a speech given by the Archbishop of Dublin, Desmond Connell, in March 1999, marking the 30th anniversary of the papal encyclical outlining church teaching on contraception, *Humane Vitae*. The Bishop's speech was severely criticized for implying that children who were 'planned' would be less loved than those who were not. In response, the Bishop said that he regretted any hurt caused, claiming, unconvincingly according to newspaper reports, that what he was primarily concerned with was genetic engineering rather than family planning.⁵²

The anti-abortion right-wing were further hindered in regaining moral and political legitimacy by the establishment of a high-profile direct action anti-abortion group, Youth Defence, following the X case. This youth group draws on support from similar organizations in the United States, adopting new radical tactics, such as picketing the homes of mainstream politicians, and staging dramatic street demonstrations (Hug 1999:179). For example, in May 1998 members of this organization were found guilty of charges of assaulting Gardaí, obstruction, and disorderly behaviour, following a demonstration outside the Adelaide Hospital in Dublin.⁵³ In March 1999 the High Court issued an injunction against them, preventing them from 'watching or besetting' the offices and Dublin clinics of the Irish Family Planning Association (IFPA),

⁵²Doyle, Diarmuid (1999) 'Archbishop's insensitivity won him no converts' *The Sunday Tribune* 7th March

⁵³The demonstration occurred following the Adelaide's submission to the Working Party on abortion, described above (note 44). Humphreys, Joe (1999) 'Youth Defence protester "tried to bash" a garda' *Irish Times* 9th April; *Irish Times* 'Members of Youth Defence are sentenced' 15th April 1999; *Irish Times* 'Youth Defence convictions are overturned' 11th July 2000.

or intimidating its officers, staff and customers. An IFPA clinic had been picketed since June 1998, and had been forced to close temporarily on one occasion, following intimidation of staff and customers.⁵⁴ It seems that although this group has acquired representative status for the anti-abortion lobby during the 1990s, demonstrated for instance by the fact that they were the only anti-abortion political organization to participate in the public hearings on abortion access during May 2000, their aggressive political style has nevertheless further damaged the legitimacy of anti-abortion politics.

Analytic Tools

Hegemony

The analysis, in what follows, of three key sites of cultural production, popular, entrepreneurial, and official, relies on two major concepts: hegemony, and discourse. The former concept was devised by Antonio Gramsci in the 1930s, to explain moral, political, and cultural (as opposed to material/economic) power (O'Sullivan *et al.*, 1994:134). It has been defined as a form of intellectual and moral leadership which secures active consent, as distinct from direct coercion (Gramsci 1971:12). Barrett defines hegemony as 'the organisation of consent [...] the processes through which subordinated forms of consciousness are constructed without recourse to violence or coercion' (1991:54). Thus, the concept is employed in this particular study as a means of explaining how a specific normative position on abortion acquired the status of popular commonsense, to the extent that the Constitution was changed, and official legal institutions legitimately and coercively marshalled in its defence.

⁵⁴*Irish Times* 'Youth Defence ordered to keep away from clinics' 12th March 1999. Members of the organization have been prosecuted for staging a sit-in of the IFPA in Dublin in September 1999, eg. *Irish Times* 'Anti-abortion protesters fined £250' 6th July 2000.

Gramsci's elaboration of hegemony, however, relied problematically on the Marxist base/superstructure model of explanation, which interprets both popular culture and subjectivity as determined by economic inequalities (Barrett 1991:59). The concept has been influentially redefined by Laclau and Mouffe (1985), in terms which do not rely, as Gramsci did, on economic essentialism. Rather, they define 'society' in post-Marxist anti-totalizing terms, not as a superstructural economic effect, but rather as a complex field of aggregates, whose relations are contingent rather than determined. They redefine hegemony, consequently, as the ultimately impossible attempt to 'suture' the openness of the social by fixing signifiers, i.e. meaning (Barrett 1991:67). As they argue, '[i]t is because hegemony supposes the incomplete and open character of the social, that it can take place only in a field dominated by articulatory practices' (1985:134). Thus, this account necessarily positions hegemonic struggle in the context of antagonism, rather than the determined effect of economic power. As Laclau and Mouffe put it:

... no hegemonic logic can account for the totality of the social and constitute its centre, for in that case a new suture would have been produced and the very concept of hegemony would have eliminated itself (*ibid.*: 142).

Thus, the employment of the term 'hegemony' in this thesis is not intended to signify that 'commonsenses' have been determined by economic forces. Rather, it indicates a consensus which relies on a fragile opposition.

Discourse

The second key concept employed in the following discussion is that of discourse, particularly in its Foucauldian formulation. In general, an analysis of discourses focuses on the systems of rules and conventions through which

meanings emerge. What is of interest is what system of rules are at work, and what the effects of those rules are. Thus, the concern is not with the verifiability of discursive formations, but with the processes through which meanings are produced. In other words, discourse analysis is concerned less with the 'truth' of a particular formation than with its meaning and use. As Potter and Wetherall explain:

[discourse analysis] takes the focus of analysis away from questions of how a version relates to some putative reality and asks instead how this version is designed successfully to compete with an alternative (1994:48).

The analysis of discourses, in these terms, is concerned primarily with the micro-operations of power, and the consequent ways in which these operations produce knowledges. The relationship between power and the production of knowledge, what Foucault terms 'regimes of truth' about objects, strategies, speakers, and rules, is central to this analytic task.⁵⁵ Foucault defined power not, in Marxist terms, as a unitary substance which could be overthrown or acquired, but rather, as relational, something to be exercised rather than possessed (Barrett 1991:135; Cooper 1995:9). Thus, power operates at micro or local levels, in multiple ways.⁵⁶ It is not defined simply as a repressive mechanism, although repression is one possible effect. Rather, it is a complex operation through which discourses are produced in unsystematic, plural and

⁵⁵As McNay puts it: 'the discursive and the real are linked together in the symbiotic relationship of the power-knowledge complex. On the one hand, all knowledge is the effect of a specific regime of power, and, on the other hand, forms of knowledge constitute the social reality which they describe and analyse' (1994:108).

⁵⁶As Sheridan explains: 'Power is an effect of the operation of social relationships, between groups and between individuals. It is not unitary: it has no essence. There are as many forms of power as there are types of relationship [...] It does not exist simply to enforce economic exploitation: it does not play the role of superstructure to an economic infrastructure [...] Power is not simply repressive; it is also productive' (1980:218-9).

competing, rather than centralized and monolithic forms (Sheridan 1980:169-70).⁵⁷ This analytic approach assumes a plurality of competing and overlapping discourses, which are not assumed to form a coherent totality, organizing society, for example, in terms of class or gender interests. Rather, discourses are assumed to co-exist, conflict, or be articulated together to produce different discursive formations and effects.⁵⁸

A primary question which the analysis of discourses addresses is 'what are we today?' (Foucault 1988:145). In other words, discourse analysis provides a way of reflecting on the constitution of identity, particularly in historical terms, not least through providing redescriptions of historical 'events', defined as follows:

An event ... is not a decision, a treaty, a reign, or a battle, but the reversal of a relationship of forces, the usurpation of power, the appropriation of a vocabulary turned against those who had once used it, a feeble domination that poisons itself as it grows lax, the entry of a masked "other." The forces operating in history are not controlled by destiny or regulative mechanisms, but respond to haphazard conflicts (Foucault 1977a:154).

Thus, the discursive construction of identities in particular can be analyzed in relation to the reversals encapsulated in such 'events'. The X case can be interpreted as precisely this type of 'event', that is, as a moment where a specific

⁵⁷As Barrett puts it, Foucault's concept of power 'is probably the element of his system that is least compatible not only with Marxism but with most modern social science in which paradigms of a determining social structure exist' (1991:134).

⁵⁸ As Foucault explained: '... the analysis of statements does not claim to be a total, exhaustive description of 'language' (*langage*), or of 'what was said' ... I am not trying to discover a lost totality, or to resuscitate, as many would nostalgically like to do, the plenitude of living speech, the richness of the Word, the profound unity of the Logos. The analysis of statements corresponds to a specific level of description' (1972:108). He defined 'statements' as events, rather than simply as what is spoken or written: '.. a statement is always an event that neither the language (*langue*) nor the meaning can quite exhaust' (Foucault 1972:28).

discourse of nationhood was reformulated in a direction which usurped the 'feeble domination' of a key political force. The interpretation in what follows will be based on an analysis of the discourses constructing the meaning of this event, its background, and political effects.

In short, the value of Foucault's idea of 'discourse' for this project lies both in its emphasis on social plurality rather than totality, and in its assumption of reversibility rather than fixity or domination of any specific system of meaning.

Structure

The three major questions already outlined, concerning the production, reproduction, and circulation of political culture in the wake of the X case crisis, at popular, entrepreneurial, and official levels, are addressed in what follows through an interdisciplinary approach. The shifting terms of abortion politics over time are considered, from the first constitutional referendum on abortion in 1983, to the X case and its constitutional aftermath in 1992. Thus, the approach combines analyses of historical, political, and cultural forms and processes, in considering the reproduction and transformation of hegemonic constructions of nationhood in terms of abortion. The methods adopted in conducting each particular strand of research, and the relevant methodological issues and debates, will be discussed in detail in each Part, as described below.

The thesis is divided into four major Parts. Part One will first situate the study within broad debates concerning the relationship between nationhood, gender, sexuality. The study will also be positioned in relationship to debates concerning the impact of abortion politics on women's citizenship.

Part Two analyzes popular political culture through considering national press attention to abortion politics. A key concern here is how abortion became a

focus of widespread anxiety in 1983, and how this was subsequently contested in the popular political domain in response to the X case. Key moments in the production and circulation of abortion commonsenses are examined, comparing the 1983 coverage of and debate on the 'pro-life' amendment campaign with the 1992 coverage of the controversy surrounding the X case. This Part is introduced with a discussion of the media as a site where legal and political agendas are produced, particularly through the construction of 'news' in national-popular terms. The emergence of 'moral panics' in particular will be discussed as a major example of how political consensus is produced within and through the national press. The methodology adopted in conducting this aspect of the study will also be outlined.

Chapter Three then considers press coverage of the 1983 'pro-life' constitutional amendment campaign in terms of the construction of abortion as a moral issue of national political significance, requiring immediate constitutional action. The terms of anti-abortion discourse within which the coverage of the campaign was hegemonically structured is considered in detail, in relation to the marginality of anti-amendment and reproductive rights positions.

Chapter Four then considers the effect of the X case on this pre-established anti-abortion hegemony in defining abortion as 'news'. Of particular interest here is how the hegemonic construction of the press's national audience was both ruptured and reconstituted during 1992, particularly through the politicization of the relationship between the State, the family, and the anti-abortion lobby, in terms which allowed concerns about women's citizenship to enter the debate for the first time.

Part Three addresses the tensions between the political subjectivity of abortion activists and hegemonic constructions of Irishness in the wake of the X case, based on a set of interviews with activists and workers in political and support-oriented organizations from both sides of the political divide. Shifting constructions of national-political 'insiders' and 'outsiders' is central to the discussion in this Part. The Introduction considers the contingency of hegemonic national and political subjectivity, particularly in contexts of political disruption and crisis. The research process through which interviews with activists were conducted, and methodological issues associated with interviewing both elites and peers are also discussed here.

Chapter Five then considers anti-abortion political subjectivity in the wake of the X case, in terms of its shifting relationship with disrupted discourses of nationhood and abortion. The newly marginal position of this political identity is considered, both in relation to the power dynamics through which the interviews were conducted, and in relation to the reformulation of anti-abortion subjectivity in terms which were designed to reassert the primacy of anti-abortion nationhood.

Chapter Six discusses the emergent political and national legitimacy of feminism following the X case, in relation to its effects on feminist national and political subjectivity. The chapter considers the shifting national position of feminist reproductive rights activists, both in relation to the conduct of the interviews themselves, and in relation to the terms through which feminist national and political subjectivity was articulated.

Finally, Part Four analyses the terms through which constitutional abortion law was debated in the Oireachtas (legislature). Shifting official constructions of 'the People', constitutionally defined as the source of sovereignty in the State,

are of central concern here, given the direct impact these have for the freedom of citizens. The Introduction to this Part outlines the significance of the idea of the People in the republican constitution, and the state's position in relation to gender and sexuality politics. The research method adopted in collecting material for this discussion is also outlined here.

Chapter Seven considers the 1983 legislative debates on the proposed Eighth Amendment, in terms of the construction of official nationhood through a reliance on gendered citizenship. The central interest in this Chapter is the contradictory terms through which an authoritarian political project was pursued through the apparently democratic device of holding a referendum.

Chapter Eight then discusses the reformulation of official discourses of nationhood in terms of abortion law during 1992, following the X case, when proposals to recognize women's constitutional rights to (limited) abortion, travel and information were debated. The effects of the Eighth Amendment on Irish women's citizenship in a broader European context were also debated in the context of the ratification of the Maastricht Treaty. Of particular interest in the Chapter is the way official constructions of democracy, citizenship and nationhood were reconfigured following the X case.

Before going on to analyse these shifting hegemonies and discursive constructions in the wake of the X case, Chapter One will firstly outline in detail debates about how and why discourses of national identity are produced, particularly through discourses of gender and sexuality, as mentioned above. In particular, the historical production of gendered Irishness will be considered, specifically in relation to the nation-state project. Chapter Two will then survey feminist approaches to the analysis of abortion politics in particular, and

reproductive rights politics in general, specifically in terms of the significance of this type of politics for women's citizenship.

CHAPTER ONE

THEORIZING NATIONHOOD: IRISHNESS AND THE X CASE

Introduction

This chapter will examine the production of Irish national-political culture, the background against which the X case occurred. Firstly, the processes and effects of the production of nationhood and national identity will be considered, particularly in relation to gender and sexuality. Secondly, the major organizing themes through which Irishness has been hegemonically produced will be outlined, in historical terms. Specifically, the connection between Irishness and discourses of gender and sexuality will be discussed, in order to examine the significance of abortion in general, and the X case specifically, to national identity.

Theorizing the Nation and National Identity

Claims about the character or identity of the nation have been central to the justification and legitimacy of aggressive anti-abortion politics in Ireland. In other words, the anti-abortion lobby have presented their position in terms which draw on essentialist or 'ethnic' claims about Irishness, as the forthcoming chapters will demonstrate. However, the claim that nations can be simply thought of in this way, namely as naturally occurring groups with innate values and culture, fails to explain the discontinuities and transformations in 'national' culture both over time and in response to political, economic, and social changes. Instead, the 'imagined' or constructed character of nations, in Anderson's well-known formulation (1983), provides a way of explaining how a plurality of practices and traditions can become distilled in such a way as to establish a 'national' coherence over time, across generations, and in the face of political disruption. As Calhoun argues, the difference between which traditions survive to form part of nationalist discourse, and which do not, is not explained

by recourse to claims about the 'natural' emergence of national cultures (1997:49-50).¹ Nations and national identities cannot be simply explained either as natural phenomena or as the instrumental constructs of powerful interests. Rather, nations are best understood as the effects of a complexity of competing discourses over time (Billig 1995:27). Thus, the shifting characterizations of nationhoods are contestable, and are often the subject of hegemonic projects (e.g., Hall et. al 1978; Gilroy 1987; Smith 1994; Rajchman (ed.) 1995; Hall and Du Gay, (eds.) 1996).

Contestation over discourses of nationhood depends on competing, normatively defined categories of identity and difference, which emerge, necessarily, through the operation of power (Rutherford 1990; Parker et. al. 1992:5; Yuval-Davis 1997:1).² Thus, who or what counts as 'the nation' is constructed in relation to what or who counts as 'foreign'.³ In particular, colonial and colonized national identities are often constructed relationally. As Rattansi comments, the idea of the 'West' was primarily constructed, in opposition to colonized identities, as 'white, Christian, rational, civilized, modern, sexually disciplined and indeed *masculine*', a construction which, he argues, is constantly threatened by sexuality and gender (1997:482-487).

¹Thus, the well-known distinction between 'ethnic' and 'civic' nationhood relies on the idea of a residual 'natural' culture, in claiming that most nations are produced through strong continuity with their 'ethnic' traditions (Smith 1991). Billig has underlined the ways in which the distinction is often employed, evaluatively, in terms of 'hot' and 'banal' nationalisms, with the latter denying its own 'ethnicity' (implicitly defined as 'hot'), while at the same time insisting on loyalty to the nation, in the form of the nation-state (1995 46-7). Thus, the debate over the 'naturalness' or 'reality' of nations is itself evaluatively connected with attempts to distinguish between 'good' and 'bad' nationalisms.

²This is not significantly different to the construction of other forms of social identity, such as gender and sexuality. As Butler, for example, argues: '... the experience of a gendered psychic disposition or cultural identity is considered an achievement ... one is one's gender to the extent that one is not the other gender, a formulation that presupposes and enforces the restriction of gender within that binary pair' (1990:22).

³For example, as Linda Colley (1992) demonstrates, the construction of 'Britishness' depended historically on an opposition to Catholic France.

Likewise, Irishness is generally constructed as not-English, in the tradition of anti-colonial republican nationalist discourse.

One major aspect of hegemonic configurations of nations and national identities is that the processes through which national traditions are produced and reproduced tend to rely on discourses of gender and sexuality (Anthias and Yuval-Davis 1989; Smith 1994).⁴ Specifically, gendered and sexualized nationalist discourses often rely primarily on the naturalization of the patriarchal heterosexual family as the source of, and justification for, hegemonic 'national' culture. This is indeed central to discourses of Irishness, and will be considered below. The articulation of a distinctively patriarchal familial nation provides justification for the cultural subordination of women, both in 'natural', and 'national' terms, an effect which significantly delegitimizes feminist critique. As Radhakrishnan points out '... the women's question ... is constrained to take on a nationalist expression as a prerequisite for being considered "political"' (1992:78). In such contexts, the coherence of feminist criticism is compromised, since the articulation of a 'national' feminism amounts to an inability to criticize the 'naturally' patriarchal character of the (naturally) familial-nation.⁵

Such constructions of familial-nationhood generally rely on constructing women in overwhelmingly domestic and maternal terms. In this way, hegemonic familial discourse, primarily concerning family organization, including the 'proper' way to give birth and raise children, is reproduced as a

⁴As Kandiyoti, for example, argues: '... the regulation of gender is central to the articulation of cultural identity and difference' (1991:440).

⁵This effect is considered in detail in the context of post-Wall Berlin feminist politics on abortion rights by Wuerth (1999).

national heterosexual familial imaginary.⁶ Women occupy a pivotal position in gendered national discourses, not only because women biologically reproduce group members, but also because women are seen as key to the reproduction of group culture across generations (Anthias and Yuval-Davis 1989:2-8). As it is women's sexuality and reproductive capacity that frequently symbolize the nation and its future (e.g. Nash 1993:47; Wuerth 1999),⁷ women's reproductive rights are often consequently politicized in nationalist articulations of gender and sexuality.

The Discursive Construction of Irishness

Irish national identity has been constructed, in terms which are sometimes not unlike those mobilized in fascist discourse,⁸ through an essentialist construction of landscape and 'nature', frequently signified through discourses of sexuality and gender, combined with romantic traditionalism. The anti-colonial context of its emergence has ultimately made national, religious and political commitments interchangeable (Connolly 1997).⁹ This section will outline the

⁶As Parker *et al.* point out, this familial discourse is necessarily promoted at the expense of non-procreative sexualities, despite the equally central construction of 'national' masculinity in terms of passionate brotherhood (1992:6-7).

⁷For example, Parker *et. al.* refer to the popularity of a book entitled *The Rape of Kuwait* during the 1992 Gulf War as an indication of 'how deeply ingrained has been the depiction of the homeland as a female body whose violation by foreigners requires its citizens and allies to rush to her defense' (1992:6). The citizenry here is clearly gendered as male, while the nation is constructed in female terms.

⁸Fascist doctrine provides a strong example of a political project which self-consciously coupled a concern with 'nature' both with national survival and with discourses of gender and sexuality, connecting the themes of nature and nation with aggressive war. As Neocleous argues, the fascist concern with women's place in society arose from a claim that the heterosexual patriarchal family was the natural root of nation and state. Behind the biological destiny of women lay the biological destiny of the nation (1997:76-82). Thus, those who rejected their 'natural' role, notably feminist and sexually assertive women, threatened the fascist project. Hegemonic Irishness, however, although substantively echoing these themes, is not simply produced as a fascist project. It lacks both an expansionary militancy, and the necessary devaluation of humanity to the level equal to that attributed to nature in general, key elements of fascism which produce racist and eugenic politics. Indeed, opposition to eugenics is central to right-wing politics in Ireland.

⁹Chubb (1982:5-23) provides an influential characterization of Irish culture in terms of a declining peasant society, marked by expressive Catholicism; antipathy to the symbols of Britishness; authoritarianism; kinship loyalty; and anti-intellectualism. However, he fails to

major themes characterizing hegemonic Irishness prior to the X case: Catholicism; traditionalism; what has been termed 'familism'; and a masculinist heterosexuality. These themes will be examined specifically in relation to the significance of hegemonic anti-abortion politics.

Catholicism

Catholicism has been central to the hegemonic definition of Irishness at least since the late sixteenth and early seventeenth centuries, when it provided a means of uniting the indigenous Gaelic Irish and the English in Ireland in that period (Connolly 1997:46). Subsequently, with the Reformation, religious division was mapped onto the division between native and coloniser, as the English Parliament pursued a policy of 'planting' Ireland with Protestant settlers. Only the 'Plantation' of Ulster was relatively successful, in the sense that settlers remained a culturally distinct group in the region subsequently. As Coulter points out, religion can offer a sense of moral superiority and the possibility of transcendence in colonial contexts which seem otherwise hopeless:

... as blacks [sic] in the southern states of the US will remember, it [religion] can provide powerful allegories for the experience of suffering and the hope of emancipation when these cannot be expressed in an overtly political form (1993:7).

The centrality of Catholicism to Irishness was particularly reinforced during the nineteenth century. Colonial oppression of Catholicism formally ended in 1829, following the Catholic Emancipation Act which enfranchised Catholic men. Thus, the colonial administration had shifted towards an acceptance of

comment on the centrality of discourses of gender and sexuality in production and maintenance of these cultural categories.

Catholicism in Ireland, and indeed encouraged the particularly Victorian puritanical version favoured by the newly legitimate Catholic Church and middle classes. Indigenous 'gaelic' Catholicism, characterised by irregular and informal semi-pagan practices, was gradually replaced, largely during the period from 1850 to 1875, with a highly formalized, centralized and ritualized version, a transformation which has been described as the 'Devotional Revolution' (Larkin 1976; Brown 1981:27).¹⁰ As Brown explains:

The church with her recently regularized rites and practices offered to most Irishmen and women in the period a way to be Irish which set them apart from the rest of the inhabitants of the British Isles, meeting the needs thereby of a nascent Irish nationalism at a time when the Irish language and the Gaelic culture of the past were enduring a protracted decline. (1985:28)

Thus, Catholicism provided a means of maintaining a distinctively national culture, as the Gaelic language declined.¹¹ Indeed, Catholicism provided a form of cultural expression with heroically anti-colonial associations, in the light of colonial oppression of Catholicism, and the persecution of Catholic clergy. As Murphy puts it:

The dual Irish-Catholic identity was [...] on distrustful guard against *alien* influences, seen as emanating from pagan England and post-

¹⁰This has been explained either as a popular response to the nineteenth century loss of language and cultural identity, a result of colonial policies; to post-Famine (1845-1849) changes in class structure effected by the virtual disappearance of the lowest social classes, themselves repositories of a more superstitious culture; or to a coalition of Church and British interests in disciplining the population for specific purposes (Inglis 1998:8).

¹¹This is not to ignore the popular association between Gaelic and poverty, and the associated construction of the English language as superior. Rather, what is of concern here is the distinctively nationalist construction of Irish as not-English, in distinctively Catholic terms.

Christian Europe. Whether belonging to the realms of ideology, morals, recreation or fashion, they were perceived as being pernicious to the national and the spiritual welfare, and destructive of the Irish Catholic ethos. (1988:134-5)

Nineteenth century Irish Catholicism, furthermore, provided an aspect of respectability, in its newly rationalized form, not least in its defence of private property (1988: 29).¹²

The effects of this confessional construction of nationhood can be seen, for example, in the official incorporation of the social principles of Catholicism, alongside those of nationalist republicanism, into the political structure of the State.¹³ This can be seen in particular in the 1937 Constitution, which attempted to combine the democratic ideal of popular sovereignty with theocratic authoritarianism. This was accomplished by defining the state as democratic, and the nation, from which sovereignty is derived, as religious. The Preamble to the Constitution, for instance, declares the following:

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred,

We, the people of Éire,

Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial,

¹²As Brown comments, this defence was vital to producing a distinctively Catholic nationhood, given that nationalist politics was strongly underpinned by farmers' desire to maintain ownership of the land (1985: 29).

¹³Murphy comments as follows on Irish politics during the 1930s: '... for most politicians, devoutness was good politics as well as being a genuine disposition of belief' (1988:137).

Gratefully remembering their heroic and unremitting struggle to regain
the rightful independence of our Nation,

And seeking to promote the common good, with due observance of
Prudence, Justice, and Charity, so that the dignity and freedom of the
individual may be assured, true social order attained, the unity of our
country restored, and concord established with other nations,

Do hereby adopt, enact, and give to ourselves this Constitution.

(Bunreacht na hÉireann 1937)

This explicitly confessional statement nevertheless incorporates the idea of individual freedom, despite the emphasis on 'the common good'. Similarly, the section on Fundamental Rights combines explicit concern with individual liberty, particularly in guaranteeing rights such as the equality of citizens before the law, freedom of speech, assembly, and association, and *habeas corpus*, with Catholic principles on the family, education, private property, and religion. Here, the impact of Papal Encyclicals, particularly as synthesized in the 1927 Social Code, is marked (Lyons 1973:545).¹⁴

Of particular influence were the ideas expressed in the Papal Encyclical *Quadrogesimo Anno* (1931), which declared a 'vocational' state structure to be preferable for a Catholic nation-state, as a means of securing against the pernicious influences of both atheistic communism and materialistic capitalism. This model of the state, which originated in fascist Italy, was based on political participation at the level of occupational groups (Keogh 1988:107). O'Dowd describes vocationalism as follows:

¹⁴Catholic social teaching decreed that women working outside the home should be strictly regulated; that men should earn a 'family wage'; that men and women should be segregated in education, at all levels, including university level; and that women should be allowed to serve on juries only in cases affecting women and children (O'Dowd 1987: 16-17).

At its core was the rather hazy 'principle of subsidiarity' which opposed state intervention in areas within the competency of lesser groups, notably, the family, the parish and the 'community'. The status of the Church itself vis-à-vis the state stood outside this scheme. (1987:15)

Thus, the family is defined in Article 41 of the Constitution as the 'primary and fundamental unit group of Society, ... a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.' This Article goes on to designate the official position of women:

41.2.1° In particular the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

41.2.2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

Here the family is officially constructed as a patriarchal unit defined by marriage. Divorce was banned in this section, and citizens who divorced outside the State's jurisdiction were prohibited from remarrying.¹⁵ Furthermore, Article 44 recognised the 'special position' of the Catholic Church in the nation-state.¹⁶ However, this did not amount to official designation of the Catholic Church as an established Church. On the contrary, Article 44 explicitly recognised a range of religions within the state, guaranteed freedom of conscience to all citizens, and prohibited religious discrimination (Lyons

¹⁵The ban on divorce was lifted in 1995, following a referendum which was decided by a majority of 0.5%.

¹⁶This was removed from the Constitution following a popular referendum in 1972, not least due to the escalation of the conflict in the north of Ireland at that time (Whyte 1980:388-9).

1973:537-47). However, the hegemony of Catholicism was recognised, and the section on 'Directive Principles of Social Policy' recommended the exercise of an implicitly Catholic morality to the Oireachtas (parliament) in the process of law-making.

The effects of this official recognition of the nation as distinctively Catholic can be seen at the level of social policy. In particular, the provision of education at primary and post-primary levels, alongside health and social services, has been concentrated in the hands of the Church. As Chubb comments, '[t]he impact of Catholic teaching has always been evident in the content of public policy on marriage and divorce, contraception, censorship, health services, and, above all, education' (1982:18).

Official recognition of a distinctively Catholic national identity has not, however, been uncontroversial, particularly in the context of attempts to secure a solution to the political violence in the north. The 1970s were particularly marked by controversy over the authority of the Church, specifically in relation to education, social policy, divorce and contraception (Keogh 1988a:152).¹⁷ Thus, the constitutional recognition of the 'special position' of the Catholic Church in the state was removed by popular referendum in 1972, with the support of the Church itself (Brown 1985:308; Murphy 1988:146). Furthermore, the growing importance of a national media, which began to hold the Church publicly accountable for the first time in a newly prosperous context, contributed to the disconnection between national identity and traditional authoritarianism.¹⁸ As Murphy puts it:

¹⁷Chubb comments, for example, that since the 1970s mainstream politicians have been concerned to divest the Church of its control over education (1982:30).

¹⁸The analysts of the Irish results of the European Values Survey concluded: '... there has been a general collapse in the 'moral monopoly' of the church, or, at a minimum, a loss of at least some moral authority. However, if the Catholic Church in Ireland is no longer automatically thought to have the right answers, this should not be taken to mean that there

[Church] prestige and mystique were [...] challenged in the areas where they mattered most - the pulpit and the confessional - by the confidences now reposed, ever more frequently, in the agony aunt, the chat show presenter, the syndicated astrologist and the pop psychiatrist. (1988:146)

These outward-looking media, rather than the Church, have come to dominate the field of morality in Ireland, not only replacing the clergy's pastoral role, but also calling the latter to account in ways previously unthinkable:

It was the media that broke the tradition of not criticising the Church and its teachings in public. It was the media, and in particular television, which brought an end to the long nineteenth century of Irish Catholicism.¹⁹ (Inglis 1998:93)

However, the popular connection between processes of secularization and anglicization continues to mark political culture, as the politicization of abortion access itself demonstrates, despite the declining authority of the Church, and shifting popular attitudes in relation to moral issues.²⁰

Familism

As mentioned in the previous section, official adoption of the principles of Catholic social teaching included a constitutional recognition of the patriarchal

is a desire that it should restrict its attention to strictly religious matters' (Hornsby-Smith and Whelan 1994:41).

¹⁹Inglis defines what he refers to as the 'long nineteenth century of Irish Catholicism' as the period from 1850 to 1970, i.e., from the post-famine era to the post-protectionist era, and the newly popular practice of television watching.

²⁰The shift towards less absolutist moral attitudes can be seen in the results of the comparative European Values Survey, which canvassed popular values in 1982 and 1990. See Whelan (ed.) (1994).

family as the 'primary unit' of Irish society. Official recognition of the significance of this particular institution articulated a discourse hegemonic in structuring socio-economic practices. As Meaney comments, 'In post-colonial southern Ireland a particular construction of sexual and familial roles became the very substance of what it meant to be Irish' (1991:6). Arensberg and Kimball, in their well-known study of rural life in Ireland in the 1930s, devised the term 'familism' to describe the rigid sexual division of labour they found on small pasture farms, where the father was the centre of authority, refusing to share decision-making even with his adult sons. The term also describes the centrality of the family to the local economy, whereby mutual assistance operated on the basis of familial need and obligation, rather than, for instance, on grounds of a communal morality (Brown 1985:23-25).

As with the institutionalization of Catholic practices, this highly restrained and authoritarian familial culture also emerged as hegemonic in response to the major famine which occurred between 1845 and 1849. The devastation of the population effected by that disaster produced major shifts in practices of family formation. The famine wiped out the lowest social group of non-landowning peasants, thereby effectively increasing the proportion of small farmers, and thus fundamentally altering rural attitudes and values. Social status and power became closely associated with land, and family structures changed consequently. Farms which would previously have been divided among all siblings were now passed on to the eldest son, to secure farm sizes as a guard against poverty. These changes had a major impact on gender and sexual discourses. Women became increasingly dependent on their fathers and husbands, as their roles were limited to those of farm workers and producers of sons. Girls and women were progressively devalued, as marriage became essential to status, while husbands were becoming increasingly scarce. Daughters were viewed as a burden on the family capital, since a dowry had to

be provided on marriage. Furthermore, women's value as farm labourers was eroded as agriculture shifted away from labour intensive crop cultivation towards pasture farming. Women's farm labour was increasingly restricted to domestic tasks.

This changing sexual division of labour further reinforced sexual inequality, justified by a belief system which stressed women's subordination. The new system of inheritance forced unmarried daughters and younger sons to seek urban employment, generally abroad. Sexual activity became strictly regulated in this new context, as marriage was increasingly delayed until a farm had been inherited. A sexually puritanical culture emerged aimed at controlling fertility, involving the management of women in particular, in an increasingly patriarchal context (Hynes 1978). As Nash describes it:

In this period, sexuality came to be equated with matrimonial reproduction and indisputable norms of familial reproductive heterosexuality. The cult of the Virgin Mary, which flourished from the late nineteenth century - asserted in part in opposition to the Protestantism of the colonial rulers - strengthened the construction of asexual, maternal and domestic femininity upon which hypermasculinity and socio-economic and sexual regulation depended. (1997:115)

Thus, the cultural idealization of familism depended on constructing women in subordinate, domestic, and maternal terms. However, as noted in the Introduction, by the 1970s the position of women in Ireland was increasingly politicized, not least as a result of the efforts of feminists.²¹

²¹As Chubb notes: 'A growing corps of somewhat strident women journalists, most of them working for the *Irish Times*, kept women's issues before the public...' (1982:26).

Traditionalism

Familistic discourse, which locates the patriarchal rural family at the centre of the national imaginary, is central to the third strand of hegemonic nationalist discourse, namely traditionalism. The opposition between tradition and modernity has operated as a major organising theme marking the difference between Irishness and colonial culture (Peillon 1984), constructing national culture as Catholic, rural, familial, and conservative, in contrast to the hegemonic construction of English culture as Protestant, urban, individualistic, and liberal. While these constructions have not been uncontested, particularly since the official adoption of a 'modernization' programme in the 1960s, they operated hegemonically in the establishment and legitimization of the independent state.

A key moment in the reproduction of traditionalism in post-independence Ireland is the well-known 1943 St. Patrick's day broadcast made by then President Eamon De Valera, the only surviving leader of the doomed 1916 Rising,²² prominent statesman, and author of the 1937 Constitution. His 'dream' speech contains the following famous passage, which explicitly connects rural traditionalism with a gendered familial discourse:

The Ireland which we have dreamed of would be the home of a people who valued material wealth only as a basis of right living, of a people who were satisfied with frugal comfort and devoted their leisure to things of the spirit; a land whose countryside would be bright with cosy homesteads, whose fields and villages would be bright with the

²²A small group of revolutionaries occupied a number of key strategic buildings in Dublin on Easter Monday 1916, in an attempt to overthrow British rule. All the leaders were subsequently executed by the British authorities, except DeValera, who was an American citizen.

sounds of industry, with the romping of sturdy children, the contests of athletic youths, the laughter of comely maidens; whose firesides would be forums for the wisdom of serene old age. It would, in a word, be the home of a people living the life that God desires that men should live. (in Lee 1989:334)

The key opposition here, between 'athletic youths' and 'comely maidens', has been central to hegemonic constructions of traditional Irishness, connecting the 'ethnic' nation with a moral discourse of naturalized gender and sexuality, in disciplined and restrained terms.²³

The speech also draws on the themes of the late nineteenth-century literary revival, a cultural nationalism characterized by the idealization of the people and landscape of the western seaboard. Duffy comments:

The Gaelic Revival, the 'West of Ireland' imagery of Synge and Yeats, and even the Catholic Motherland visualised by Eamon de Valera, owe much to the ethos of Romantic mysticism and exoticism engendered by some nineteenth-century artists and writers. Their representations of Ireland as exotic, sublime and picturesque reflect the way in which artistic imagery incorporated 'blindness and silences', dictated by the market and English sensibilities. (1997:66-67)

This particular nationalist discourse was a distinctively 'modern' production, providing urban and non-Catholic groups, specifically middle and upper class Protestants, as well as white collar workers who had themselves migrated from

²³One effect of this traditionalist construction of national identity has been that Gaeltacht (Gaelic-speaking) areas and people have been constructed as representative of the primitive or 'ethnic', thereby constructing an internal dualism which, significantly, has facilitated the continuity of political and economic equality (Johnson 1997:174).

rural areas, with a means of overcoming their identity crises in a context where Irishness was increasingly associated with Catholicism, in opposition to commercialism:

... cultural nationalism offered the possibility of a willed identification with the Irish-speaking peasantry of the impoverished far west, one that transcended the realities of class, lifestyle, economic environment and - in some cases - religion and ethnic origin. What was involved, inevitably, was not cultural revival, but rather reinvention. (Connolly 1997:59)

This construction of national tradition in the iconic terms of the west produced not only a discourse of national restraint, but also of lawlessness and violence, although not in the essentially individualistic terms characteristic of American 'western' discourse (Gibbons 1984).²⁴ However, despite these competing significations of the idealized west, the connection between the nation and the 'traditional' community remains discursively hegemonic, including its gendered and sexualized constructions.

Gender and Sexuality

As Coulter comments, the construction of feminism and nationalism as mutually exclusive is a misperception characteristic of Irish social criticism, relying on the one hand on an account of nationalism in terms of the defence of patriarchy and traditional Catholicism, involving the subordination of women

²⁴As Gibbons points out, in Irish terms the hegemonic idealization of the west reverses that at work in US culture, placing the community, rather than the individual at the centre. For example, Gibbons discusses Synge's well-known and highly controversial play dealing with these themes, *The Playboy of the Western World*, where the outsider is rejected by the community, in contrast to the narratives typical of American Westerns, where the community, usually figured as a woman, is rejected by the individual cowboy-outsider (1984:12).

and the idealization of the past, and on the other hand an account of feminism as secular, modern, and international, which, it is assumed, 'will play an important role in emancipating Ireland from the shackles of its obsessions with the past and allow it to take its place among the nations of the new Europe' (1993:2). As she points out, this view obscures the roles of feminists in the national project, as well as, I would add, the role of nationalism in the feminist project.

However, Irish national identity has been constructed as not-English explicitly in terms of gender and sexuality.²⁵ As Meaney notes, the sexualization of political identity is not specific to Irish republican nationalism, as demonstrated, for instance, by Unionist resistance to legally available abortion and the decriminalization of homosexuality in the north of Ireland (1991:19). Nagel traces the broad thematic connections between discourses of nationhood and discourses of gender and sexuality, arguing that 'the "microculture" of masculinity in everyday life articulates very well with the demands of nationalism ... ' (1998:252).

In republican anti-colonial discourse colonial constructions of the Irish nation were simply reversed, as Nash describes:

... in reaction to colonial and racial discourses and the celebration of feminine Celtic qualities of otherworldliness in the Celtic Twilight writing of the literary revival, authors of the so-called Irish-Ireland

²⁵The heterosexuality of this construction is encapsulated in the title of Beriss's (1996) Introduction to the special issue of *Identities* dealing with the sexualization of nation/states: 'If You're Gay and Irish, Your Parents Must be English'. He saw this slogan painted on a placard at the 1991 New York St. Patrick's Day Parade, in protest at the participation of the Irish Lesbian and Gay Organization (ILGO). As he comments, the slogan's position, that only descent from the corrupting, imperial English could make an Irish person gay, does not explain the existence of the ILGO, nor its members' nationalist identities (p.194).

movement asserted the masculinity of the Gael and criticised the effeminacy of both the English and misguided Irish men. This hypermasculinity inverted the colonial stereotype but retained its ideology of gender inequality. Masculinity was asserted in contrast to the femininity of women and thus demanded absolute difference between the characteristics and roles of men and women. (Nash 1997:114)

Thus, the construction of Ireland through a discourse of masculine heroism and feminine vulnerability was as much about the production of gendered sexualities as it was about the making of nations (Nash 1997: 116), a particularly masculinist construction of femininity and its relationship to nationhood (Nagel 1998:252). Meaney points to the impact colonization often has on discourses of gender and sexuality, namely that post-colonial masculinity is often exaggerated, not least through the extreme subordination of femininity, in order to assert the legitimacy of self-rule: '[a]nxiety about one's fitness for a (masculine) role of authority, deriving from a history of defeat or helplessness, is assuaged by the assumption of sexual dominance' (1991:7). Thus, women often become the territory over which post-colonial authority is exercised.

One major site of articulation between discourses of gender, sexuality and nation is that of national sport, and specifically the institutionalization of national-rural games through the Gaelic Athletic Association (GAA). Chubb notes that the countrywide organization and militant separatism of this association played a major role in socializing generations of Irish people, and, significantly, providing many of Ireland's political leaders (1982:12).²⁶ In this

²⁶The rules included the following ban since 1905: 'persons who play rugby, soccer, hockey, cricket or any imported games shall be suspended for two years from date of playing such

way, ironically, a distinctively Victorian masculinity was produced at a popular, and specifically rural level, which emphasized athletic prowess and strength in a highly disciplined national and anti-colonial context (Boyle 1992:636).

The associated construction of femininity in terms of vulnerable sexual innocence or motherhood, in need of masculine protection, was particularly national. It employed the established connection between self-sacrificial motherhood and a national discourse of 'Mother Ireland' (Meaney 1991:3). Nash traces the genealogy of this discourse:

In the eighteenth-century Irish poetic tradition of the *aisling*, Ireland is figured as a *spéir bhean* or sky-woman and calls the implicitly male reader to rescue her from colonial oppressors ... These different projects show the flexibility of associations between gender, sexuality and nationhood as well as prefiguring the nature of later constructions of gendered nationhood and national gender identities along lines of heroic masculinity and national motherhood. (Nash 1997:113)

Thus, as she puts it, the purity of women became the measure of the nation, particularly in terms of anxiety about the foreign corruption of Irish women (Nash 1997: 115). This is not insignificant in the context of anti-abortion discourse, where Irish women obtain abortions on the foreign territory of the colonial oppressor. The impact of this uncompromising discourse of national gender and sexuality can be seen, for example, in the fact that only 6% of married women in the Republic worked outside the home up until the 1960s

games ... That [British] police, militiamen and soldiers on active service be prevented from playing hurling or football under GAA rules' (in Cronin 1996: 4). The first part of this ban, concerning 'imported games', was removed in 1971 (Keogh 1994:33).

(O'Dowd 1987:27), and the uncharacteristically high rates of female emigration relative to male.²⁷

Nevertheless, some have argued that the election of Mary Robinson, a prominent feminist politician and lawyer, to the Presidency in 1991 indicates that hegemonic discourses of national sexual and gender identity have come under severe pressure, despite the fact that her success at the polls may have been due more to protest votes against the campaigns run by her opponents than to positive preference for her own candidacy. As Meaney points out, '[a]ttempts by political opponents to use Mary Robinson's sex as a weapon against her failed and the knee-jerk response of distrust and loathing of femininity was not forthcoming' (1991:5).

Abortion

Why has abortion been key to hegemonic struggles over the production of Irish national identity? Anthias and Yuval-Davis (1989) have noted the links between abortion, reproductive politics and nationalist politics. As the foregoing discussions have demonstrated, the particular hegemonic construction of Irishness as familial, Catholic, traditional, and heterosexual had come under pressure in response to the changes of the late 1960s and 1970s. A political focus on abortion provided a means of reasserting the connections between the major themes of this construction, namely sexuality, gender, familism, and religion, in distinctively 'national' terms.

Abortion politics in Ireland has not, however, generally been analysed in these terms.²⁸ Rather, abortion politics is thought to indicate, more narrowly, the

²⁷'Between 1941 and 1971, for example, more than a third of all women left (Kelly and Nic Giolla Choille, 1990)' (Walter 1995: 39).

²⁸The only analyst who explicitly interprets Irish abortion politics in terms of discourses of nationhood is O'Carroll (1991), quoted in the Introduction.

erosion of Church hegemony in response to rapid social change (e.g. Brown 1985; Girvin 1986; Hesketh 1990; Inglis 1998).²⁹ For example, Brown argues that

... the [1983 'pro-life'] campaign [...] stimulated an intense, bitterly conducted debate. In this it was revealed that a far from insignificant minority of Irish people was unprepared to support the moral absolutism that could be discerned in the amendment as proposed (1985:356).

From a feminist perspective, the significance of abortion politics is usually understood to indicate the patriarchal character of the state, as evidenced by its institutionalization of unequal citizenship and moral absolutism, rather than conflict over the construction of the nation.³⁰ Indeed, some recent observers accept the homogeneous account of Irishness underpinning anti-choice discourse. For instance, Chrystel Hug argues that, '[t]he Irish felt they had the right to choose the kind of state which they wanted to live in - a state that

²⁹Hesketh's (1990) analysis of the 1983 campaign to amend the Constitution with a foetal rights clause deals extensively with the accusations by the Anti-Amendment Campaign (A.A.C.) that the proposal was sectarian. However, the author fails to take up the relationship, which his title *The Second Partitioning of Ireland?* itself suggests, between nation-building and abortion politics, in the context of political violence in Northern Ireland. This is indeed ironic, not only because the book was written at Queen's University, Belfast, but also because Hesketh actually takes his title from an *Irish Times* editorial which places the amendment precisely in that framework.

³⁰The collection of essays in *The Abortion Papers, Ireland*, edited by Ailbhe Smyth (1992), and published in response to the X case, attempts to provide a comprehensive feminist account of Irish abortion politics in historical context. The book presents the legal, historical and cultural context of abortion politics, outlining obstetric interest in abortion law (Murphy-Lawless), and the history of pro-choice politics (Speed, Barry). The X case, as well as previous events in the history of reproductive politics, is interpreted in terms of the actions of the patriarchal state (Smyth), the outcome of unequal citizenship (Ingram), and a failure to value moral pluralism (Dooley). Feminist abortion ethics and politics are also outlined (Hogan, Riddick). However, the influence of discourses of nationhood on the parameters of the debate are not explicitly considered in this collection.

would protect their beliefs and, by the same token, their identity' (1999:3).³¹ This position does not explain the popular outrage expressed at the X case injunction, a reaction which was also expressed in distinctly 'national' terms, as the forthcoming discussion will demonstrate. Furthermore, an explanation of the significance of abortion as a barometer of flagging Church hegemony does not explicitly address shifting attitudes on abortion articulated through a nationhood discourse combining, in complex ways, constructions of sexuality, tradition, familism, gender and sexuality which both draw on and reject Catholic doctrine at different moments. This complexity provides the focus of analysis in the forthcoming discussion, following a consideration, in Chapter Two, of feminist analyses of the significance of abortion and reproductive politics generally for gender politics and women's citizenship.

³¹ Similarly, Martin (2000), in her work on 1990s abortion politics, which pays explicit attention to constructions of nationhood, also defines Irishness in an essentialist way which avoids examining the implicit significance of doing so.

CHAPTER TWO

ABORTION, FEMINISM, AND THE X CASE

As mentioned in the Introduction, feminism in Ireland did not have a coherent position on abortion prior to the 1983 Constitutional 'pro-life' campaign. Rather, feminists were compelled to consider abortion politics and law primarily through the determined efforts of the anti-abortion right-wing. This, combined with the hegemonic construction of anti-abortion politics as commonsensically 'national', in the terms outlined in Chapter One, seriously constrained the development of a mainstream feminist position on abortion access prior to the X case.

This chapter is concerned primarily with debates within feminism over the significance of abortion politics. While these debates have emerged primarily in the specific political contexts of the US and Britain, they provide a means for considering the significance of the X case. A consideration of feminist perspectives on abortion will provide the context for the forthcoming discussion of how the X case disrupted hegemonic associations between discourses of nationhood, the family, gender and sexuality.

Specifically, this chapter will outline alternative feminist interpretations of abortion politics, ranging from a narrow view, concerned primarily with women's access to services; to a broader perspective, which views abortion as key both to the politicization of women's embodiment, specifically in terms of sexually compromised citizenship, on the one hand, and to the possibility for reproductive freedom, through the exercise of embodied sexual autonomy, on the other. These will be discussed in turn in what follows.

Abortion and Privacy

One major strand of feminist perspectives on abortion politics views the anti-abortion position primarily as an attack on women's privacy, articulated as women's right to 'choose' whether and when to become mothers. The broader contexts through which women's reproduction has been constructed as a socio-political and moral problem are not addressed.

An example of this particular view of what is at stake in abortion politics is provided by Marsh and Chambers's well-known study of abortion politics in Britain (1981). Although these authors are in sympathy with the 'pro-choice', or as they term it, the 'pro-abortion' position, one of them having been actively involved in campaigning to prevent the erosion of the 1967 Abortion Act, their view of the link between abortion and feminist politics is highly limited. Their concern with this link is expressed only in terms of the impact feminism has had on defining abortion as an issue concerning women's rights, at least within the British Labour Party. They also comment on the way in which abortion access has provided a focus for feminist politics both within and outside parliamentary politics (p.192). Thus, their detailed analysis of parliamentary abortion debates does not address the general cultural-political context within which the articulation of political positions on abortion were constructed. This is particularly demonstrated by their uncritical comment on the attempts of the influential Abortion Law Reform Association to establish a pressure group which would concentrate on birth control as a means of drawing attention to the problems of overpopulation, amongst other aims (p.43).¹

¹This position also characterized nineteenth century birth control campaigns. For example, June Rose describes the politics of Marie Stopes, who left her clinic to the Eugenics Society in her will, as follows: 'Marie was an élitist, interested in creating a society in which only the best and the beautiful should survive. Brought up on the ideas of Darwin, she responded enthusiastically to the view that his theory of natural selection argued for the need to create a super breed of humans.' (1993:134)

This narrow interpretation of what is at stake in abortion politics can also be found in the US context. For instance, Linda Cisler, a US feminist, in presenting her argument that access to birth control is essential to women's liberation, explains the very high rates of sterilization among Puerto Rican women in New York city as a pragmatic response by those women, precisely through the exercise of private choice, both to Catholic regulation of sexual morality, and to the difficulty of practicing birth control legally in Puerto Rico.² In other words, the very high rates of sterilization among Puerto Rican women, she assumes, is due to a form of private female resistance to enforced motherhood, rather than as the result of specifically racist official policy.³ This view of what is at stake in abortion politics notably fails to take into account classed and raced construction of gender and sexuality, and therefore produces a mistaken account of abortion practices.⁴

This misinterpretation illustrates the tension in the idea of 'choice' which, on the one hand, acknowledges that women's decisional and bodily autonomy is at stake in (anti-) abortion politics, and, on the other, facilitates the 'illusion', to use Himmelweit's term (1988:40), that a woman can make a 'private' choice free from social, economic, and political constraints. As Petchesky comments,

²Angela Davis has argued, rather, that the very high rate of sterilization of this particular group of women is rather the result of a government policy which has operated since 1939 (Davis 1981:219).

³Cisler's interpretation is actually countered by an editorial footnote drawing attention to the racism of official birth control programmes (Morgan 1970:257). Her interpretation of reproductive politics and the effects on particular groups of women was not uncontroversial at the time Cisler presented it. Criticism, for example, can be found in a statement on birth control published in the same anthology, from the Black Women's Liberation Group, which underlines the perception among Black Americans that the birth control movement operated as a form of genocide (1970: 360-360). However, this competing interpretation of reproductive politics argues that, despite its racist agenda, birth control nevertheless offers black women and children the freedom necessary to fight racism and genocide. The controversial status of birth control in the Black Civil Rights Movement, and specifically the resistance by women within the movement to the claim that birth control was simply a form of racist population control, can be found in Greenwood and Young (1976:98-101). See also Davis (1981), particularly Chapter Twelve.

⁴This position, Cisler argues, was favoured even by a majority of Catholics who responded to a 1969 poll on the issue (1970:277).

'... the idea of "a woman's right to choose" as the main principle of reproductive freedom is insufficient and problematic at the same time as it is politically compelling' (1986:6-7).

In contexts where privacy is defined either in familial, domestic terms, or in terms of possessive individualism, the interpretation of abortion politics in terms of private choice fails to interrogate the political context within which 'privacy' is constructed. Feminists, for example, have defined 'privacy' not in familial, domestic, or economic terms, but rather as the imaginary sphere of personal identity and self-realization.⁵ However, the hegemonic construction of 'privacy' in US abortion law in particular has facilitated the official restriction of abortion access in explicitly classed terms. The decision in *Webster v. Reproductive Health Services* (1989) significantly eroded legal access to abortion services by deciding that the withdrawal of public financial support for abortions does not obstruct the 'right to choose'.⁶ Interpreting abortion as an issue of private choice is insufficient to prevent the state from actively obstructing access (Cornell 1995:33). As Marlene Gerber Fried points out, abortion is the only reproductive health care service which Medicaid, the

⁵Jean Cohen, for instance, offers the following definition: 'Let me formulate the standard that underlies this aspect of privacy as *the right not to have an identity imposed upon one by the state or third parties that one cannot freely affirm and embrace*.' (1996: 201) Nancy Fraser has argued that the feminist project is aimed not at the collapse of the boundaries between public and private, but rather 'to overcome the gender hierarchy that gives men more power than women to draw the line between public and private' while also taking account of other dimensions to that power imbalance, not least those of race, ethnicity, and class (1997:115). Furthermore, Kandiyoti emphasizes the major difference between privacy and patriarchy, arguing that feminists should be wary of ethnocentric definitions of the private and the public, and should acknowledge that the 'private' is often problematically defined by the state (1991:430).

⁶Reagan notes that one third of women in the US live in counties without any abortion provision, and that more than 80 per cent of the counties there is no legal abortion available. She points out that during 1991 to 1992, of the programs for residents in obstetrics and gynecology, only 12 per cent routinely taught first trimester abortions. She argues that this teaches young doctors both that abortion is less than honourable, and also that they can disregard the expressed needs of women in particular and patients in general. Furthermore, she points out that 'illegal abortionists are in business again; women are dying again because of illegal abortions. They tend to be low-income women, women of color, or minors trying to avoid parental notification requirements.' (1997:251-2)

publicly-funded medical services programme, does not cover, while it does cover sterilization for welfare claimants (1997:38). She describes mainstream 'pro-choice' tactics in the US during the 1980s, which explicitly avoided lobbying against this prohibition of public funding for abortions:

Even using the word 'abortion' was considered too controversial. The movement favoured the more euphemistic notions of 'choice', 'personal freedom' and 'privacy', in hopes that this was a discourse that even conservatives couldn't find objectionable. (1997:40)

This call for choices, she argues, facilitates the erosion of abortion access by appealing only to those who already have choices, excluding low-income women; women of colour; and young women. In particular this strategy does nothing to challenge the anti-abortion construction of women as persons whose moral capacities are not to be trusted. This position, she argues, has actually embraced population control arguments, not least by failing to address women's right in relation to having children (1997:42). Thus, as Petchesky noted

... class and race divisions in reproductive health care determine not only women's access to decent gynecological services, counseling, and the like, but their risk of exposure to involuntary sterilization, dangerous contraceptive drugs, or unnecessary hysterectomy. (1986:10)

Thus, interpreting abortion politics as an issue of 'privacy', defined in terms of a woman's right to control her body without public interference, evades any consideration of the socio-political forces which produce both involuntary pregnancies and calls for abortion access. The complex contexts of abortion decisions are left unexamined in interpreting abortion politics in terms of

'private' choice (Davis 1981; Petchesky: 1986:7; Himmelweit 1988). Thus for example, Steinberg notes that the right to choose was constructed in part as the right to make eugenic decisions in the context of the 1988 British parliamentary debate on the Alton Bill (1991:187).⁷ As Cornell argues, concentrating on personal 'choice' trivializes the abortion decision, and fails to appreciate that abortion is not a procedure that any woman would actually choose to undergo. Indeed, as she points out, if women were actually in control of their bodies, abortions would be unnecessary (1995:33; 246 n.4). In particular, the private choice perspective fails to appreciate the possible alignment of those sorts of arguments with racist and eugenic political discourses.⁸

In the context of abortion politics in post-X case Ireland, the decision of three out of the five Supreme Court judges, that the injunction issued by the High Court had been an unwarranted interference in the private affairs of the family, has facilitated the emergence of a discourse of private choice, articulated in both anti-abortion and 'pro-choice' terms. The changes precipitated by the X case mean that it is legal at least to travel abroad in order to obtain an abortion, a position which the anti-abortion lobby in general endorse, in the light of popular outrage at the events of 1992. In effect, this means that a woman can 'choose' to obtain an abortion only if she has the means to migrate and to avail of private medical facilities abroad. At least 6,000 women obtain abortions in Britain in this 'private' way every year.⁹ In other words, women in Ireland can't 'choose' abortion in a public/national idiom. However, the events of the 1997 C case, when the state itself facilitated the 'choice' of a ward of court to travel to

⁷The eugenic dimensions of foetal protection policies in the US are traced, for example, by Mason (2000).

⁸ The entanglement between feminist and population control discourse has been traced, for example, in the discourse of the International Planned Parenthood Federation (Linda Gordon, quoted in Greenwood and Young 1976:104).

⁹During 1999 6,214 women from the Republic and 1,428 from the north of Ireland obtained abortions in Britain (Aine McCarthy "'I always thought I was against abortion, but..." *Irish Times* 4th July 2000).

Britain to obtain an abortion, underlines the limitations and contradictions of this legal situation.

Reproductive Freedom and Abortion

The Construction and Regulation of Women's Embodiment

An alternative feminist perspective locates abortion politics in the broader context of reproduction, and the politicized construction of women's embodiment. This broad approach to abortion access emphasizes the cultural politics within which different groups of women are defined differently, particularly in relation to a moral discourse through which the unequal distribution of reproductive freedom is justified. Leslie Reagan, for example, describes this perspective as follows:

Real reproductive freedom for women requires that all women, regardless of race, class, age, sexual orientation, or marital status, be able to avoid unwanted childbearing through the use of contraception and abortion *and* be able to bear children without being stigmatized, impoverished, or compelled to give up their education, employment, or children. (1997:249)¹⁰

This framework views the anti-abortion position as a politics concerned primarily with a distinctive moral construction of gender and sexuality (e.g., Davis 1981, Petchesky 1986, Berer 1988; Gerber Fried 1997). Reagan describes the anti-abortion perspective in these terms:

¹⁰She adopts this perspective in her analysis of how the medical profession in the US consolidated its professional power during the nineteenth century primarily through opposition to abortion, in the guise of midwifery, pointing to how those professionals claimed the moral authority of religious leaders in order to legitimize their authority over women's reproduction, and consequent power in regulating gender and sexuality (1997:82).

... women cannot be trusted to make moral decisions about children and family, but must be overseen and regulated by men; procreation is a state mandate not a choice; women's lives, sexuality, and bodies are not their own. (1997:253)

In other words, anti-abortion discourse is concerned to construct women's embodiment primarily in terms of what has been referred to as the 'maternal function' (e.g., Rich 1986; Cornell 1995). The coherence of women's embodied subjectivity, captured, for instance, in the title of the celebrated feminist health book *Our Bodies Ourselves* (Boston Women's Health Book Collective 1971), is denied as reproductive capacity is separated off and prioritized over the complexity and plurality of selfhood. In Cornell's terms, the denial of abortion serves to fragment women's integrity:

The denial of the right to abortion should be understood as a serious symbolic assault on a woman's sense of self precisely because it thwarts the projection of bodily integration and places the woman's body in the hands and imaginings of others who would deny her coherence by separating her womb from her self. (1995:38)

In this view, anti-abortion constructions of pregnant women and 'the unborn' affect not only access to abortion, but general perceptions of what it means to be a woman, in a distinctly moral discourse which reproduces masculinist constructions of gender and sexuality. Thus, anti-abortion discourse which constructs women primarily in maternalist terms affects the treatment of women during pregnancy and birth, as well as, for instance, the position of

women in the labour market, and in relation to domestic labour (Rich 1980; Petchesky 1986; Faludi 1992; Duden 1993; Cornell 1995; Reagan 1997).¹¹

Barbara Duden documents the ways in which hegemonic anti-abortion discourse, articulated through a specific foetal iconography which will be discussed in more detail below, constructs women as the delicate and potentially dangerous eco-system which 'life', in the form of the foetus, inhabits. In these terms, the 'environment' must be regulated in the interests of foetal survival (1993:2). In the US in particular, this has meant the extension of maternal responsibility for child welfare to responsibility for foetal welfare, to the extent of producing a culture of surveillance, including self-surveillance, of women who are not pregnant but may be trying to conceive (McNeill 1991:151).

Thus, the construction of women primarily in terms of the maternal function is generally regulated, through a moral discourse of gender and sexuality. In the US and Britain this has been performed by the medical profession, who have acquired both physical and moral jurisdiction over reproduction,¹² whereas in Ireland religious authorities have performed this task, although, as indicated in the Introduction, this is shifting in the direction of medical authority.

The X case, involving as it did a fourteen-year old rape victim, underlined the embodied context of pregnancy and hence of reproductive politics in mainstream debate for the first time. Hypothetical arguments about abortion, previously cast in terms of theological debates concerning when precisely

¹¹ The effects of foetal protection policies in the workplace have been traced, for instance, by Blank (1993).

¹² Abortion regulation was pivotal to the nineteenth century professionalization of medicine, when the status of medical knowledge and practice was enhanced through positioning newly institutional medicine in opposition to abortion providers (Luker 1984, Petchesky 1986, Reagan 1997, Thomson 1998).

human life could be said to have begun, were newly recast in terms of girl's and women's embodiment, thereby opening up the moral-political debate to less dogmatic authoritarian perspectives. However, as the forthcoming chapters will illustrate, the 'exceptional' context within which female embodiment was politicized in the X case, which focused on the specific context of child rape and sexual innocence, prevented the development of these new 'embodied' perspectives into any comprehensive advocacy, in the political mainstream, for reproductive freedom.

Foetal Iconography: Modernity and Abortion

The feminist perspective which situates abortion access within a framework of reproductive freedom has focused in particular on the significance of the iconic foetus in reproductive politics. Interpretations of foetal iconography have focused firstly on the distinctly 'modern' scientific context within which it has emerged, and secondly, on the ways in which this iconography legitimizes a hegemonic anti-abortion moral equivalence between women and fetuses.

Barbara Duden has argued that 'the human fetus, as conceptualized today, is not a creature of God or a natural fact, but an engineered construct of modern society.' (1993:4) Iconic representations of the foetus-as-baby which transform religious/mystical discourse into a medical-technological one (Petchesky 1987:58), particularly Lennart Nilsson's famous foetal photography¹³ and the anti-abortion film *The Silent Scream*,¹⁴ have produced a discourse of

¹³These pictures were originally published in 1965 in *Life* magazine, entitled 'Drama of Life Before Birth' (Thompson 1998:65). As Duden puts it, these pictures '... show the unfinished child looking like an astronaut in its transparent bubble, a bluish-pink figure with protruding veins sucking its thumb, the vaguely human face with closed eyes covered by a tissue veil. The fetus shown in the photographs was removed from a dead woman or a tubal pregnancy. The 'beginning of life' sequence Nilsson sold to the press and the textbook publishers showed mainly corpses' (1993:14).

¹⁴This film, apparently based on ultrasound pictures of a twelve-week foetus, is described by Rothman as follows: 'With the use of special effects (dramatic slowing and speeding up of the film to make fetal movement appear to change in intensity) and powerfully suggestive

autonomous foetal embodiment,¹⁵ in narrativized 'moving picture' form (*ibid.*), in which the foetus is constructed as hero-adventurer characterized, for instance, by athleticism (Franklin 1991:201-2). In Barbara Katz Rothman's well known description,

the fetus in utero has become a metaphor for 'man' in space, floating free, attached only by the umbilical cord to the spaceship. But where is the mother in that metaphor? She has become empty space. (in Petchesky 1987:63).

The primary effect of this discourse is to construct the foetus as a patient, through separation from the pregnant woman, in terms which are aimed not at the improvement of health, either of woman or foetus, but rather at extending clinical control over reproduction, as Petchesky argues (1987:64). Franklin tracks the emergence of a medical discourse which constructs the foetus both as the 'commander' of pregnancy, and as innocently tranquil. This is sharply different from previous constructions of the foetus as the inert passenger in a pregnancy. Against this new foetal-centred discourse, which has specifically emerged since the 1970s through the development of ante-natal technology, violent images of foetal destruction are particularly disturbing (1991:195). Although, as Petchesky comments, the development of pre-natal imaging does not necessarily always operate against the interests of pregnant women (1997:78), the extension of medical control over pregnancy in contemporary cultural contexts, through extensive ante-natal screening, is aimed at

language (the 'child' in its 'sanctuary') the audience is asked to share the identification with the fetus within, and to ignore entirely the woman - never shown - in whom it resides.' (1989:115) As Braidotti explains, the film is accompanied by a soundtrack which claims to give voice to foetal feelings about being murdered, and is interspersed with images of Nazi concentration camps (1994:69).

¹⁵The embodiment of the foetus is only achieved in this sense through the disembodiment of pregnant women, as Braidotti (1994:69) points out.

intervening in, or terminating, pregnancies which do not conform to 'normality'. In other words, a eugenic agenda is central to this medical control over reproduction.

Thus, women's authority over pregnancy has been replaced by medical technology, the effects of which Duden describes as follows:

.. in the course of one generation, technology [...] has transformed pregnancy into a process to be managed, the expected child into a fetus, the mother into an ecosystem, the unborn into a life, and life into a supreme value. (1993:2)

Scientific interest in dominating and controlling nature has produced an alternative discourse of 'life', characterised as observable, and manageable (Duden 1993:104).¹⁶ This is what Sarah Franklin refers to as a discourse of 'biologization', which serves primarily to naturalize the construction of fetuses as persons morally equivalent to women (1991:191-2). This is the effect of foetal iconography's reliance on a dualistic hierarchy between the biological and the social, as well as between the pregnant woman and the fetus:

It is this double move, of displacing and replacing the social with the biological, that enables a woman's pregnancy, the work of nurturing a child, the meaning of motherhood, the social meaning of personhood (in terms of kinship, identity, naming, reciprocity, interdependence, etc.) all to be rescued to one dimension, which is that of biological life. (Franklin 1991:200)

¹⁶As she puts it: 'Life has gained prominence as nature has died' (1993:104).

Thus, foetal iconography both relies on, and reproduces, a discourse of progressive modernity, in terms which can be articulated with both anti-abortion and eugenic authoritarianism.

In the context of the X case, a distinctively modern discourse of disembodied motherhood, where foetal signifiers dominate the political landscape, enables official attempts to resolve the political dispute over abortion access by appealing to medical authority. This appears to provide a means both of recuperating anti-abortion hegemony, articulated in the national idiom, while at the same time assuaging fears that women's lives and health are officially disregarded through the specific operation of anti-abortion policies.

Reproductive Freedom and Citizenship

What implications does the construction of the foetus as autonomously embodied have for women's citizenship, given that foetal iconography relies on the representative disembodiment of women and motherhood?¹⁷ This section will outline feminist arguments over the impact this discourse of disembodied motherhood has on women's rights, in relation to the implications of the X case for women in Ireland.

As many feminists have noted, women have historically been denied citizenship rights, since those rights have been distributed through a basic gendered opposition between public and private spheres, whereby women's association with maternity, care work, and domesticity has both removed them from the public sphere, and consequently, has disqualified them from the political,

¹⁷This point is made, for example, by Steinberg (1996). As Newman argues: '... the woman's body is sacrificed to fetal subjectivity in multiple ways: in absence; in the visual schemas of the midwifery manuals; and, dissected and opened, made manipulable, in the gendered plots of anatomical illustrations and sculpture.' (1996: 88)

economic and social rights and duties accorded to citizens (e.g., Petchesky 1986; Himmelweit 1988; Franklin 1991; Poovey 1992). As Pateman argues:

... the meaning of civil liberty and equality, secured and distributed impartially to all 'individuals' through the civil law, can be understood only in opposition to natural subjection (of women) in the private sphere. (1988:114)

Thus, the historic disqualification of women from citizenship has relied on a double move. Firstly women are associated with the private, non-political, familial and domestic sphere. Secondly, women ontologically fail to qualify as citizens by virtue of their reproductive capacity. In other words, the 'maternal function' excludes women from the category of 'individuals', to whom citizenship is granted. As Newman puts it, '[w]oman's failed singularity - her reproductive body - justified the refusal to extend to women the rights claimed for universal "Man" ...' (1996:66).

Newman shows how anatomical and obstetrical images of normality, including foetal imagery, have a long tradition of being represented as male. Typical representations of the foetus employ the characteristics usually associated with masculinity, including those of rationality and moral autonomy. In particular, the Lockean idea of possessive individualism is articulated in the context of foetal iconography, whereby the foetus is constructed as the owner of property in 'his' person, which nobody else has a right to, including the pregnant woman upon whom 'he' is entirely dependent.

Thus, the concept of citizenship has historically depended on the idea of the public individual. Mary Poovey (1992) argues that this concept is embedded in what she calls a 'metaphysics of substance' which constructs the individual in

essentially male terms. The female body, unlike the imagined foetal body, is excluded from this metaphysics, and hence can be excluded from citizenship. Thus, the rights-bearing citizen depends on a tradition which privileges the 'individual' with primary importance above all other categories, a tradition which Williams traces to the development of modern legal, political, and economic theory during the seventeenth and eighteenth centuries (1976:135-6). The 'individual' has become the substantial entity from which all other categories, including citizens, are derived. Thus, the construction of the foetus in masculine and autonomous terms, in opposition to the construction of pregnant women in less than individual terms, facilitates the recognition of foetal citizenship, at women's expense.

The construction of reproduction through norms of gender and sexuality has served to legitimize unequal citizenship, as women's civil, social and political rights¹⁸ have been curtailed through their reproductive capacity. This raises the question of whether 'individually'-based citizenship can be claimed by women, whose 'indivisibility' appears to be denied through pregnancy and birth. As Petchesky argues, feminists should be wary of advocating women's absolute right to control reproduction, since this depends on an essentialist construction of women as mothers, and of men as disconnected from pregnancy and child-care (1986:7). However, this interpretation of citizenship as an inherently patriarchal construct (Pateman 1988) leaves feminist claims for women's rights in difficulty, as Petchesky acknowledges. The alternative to individually-based citizenship, namely some form of group or sexually-differentiated rights, as recommended for example by Pateman (1988), Young (1990), and Walby (1994), similarly fails to overcome the problem of essentialism.¹⁹

¹⁸This refers to Marshall's influential three-part conception of citizenship (1950: 10-11). For a discussion of this scheme see, for example, Lister 1997:15-18.

¹⁹This point is made, for example, by Mouffe (1992:374-5) and Fraser (1997:229).

Feminist advocacy of abortion rights could claim recognition for the minimum conditions required for all sexual beings to achieve individuation, without resorting to claims for recognition of specific, and necessarily essentialist, group-differentiated rights (Mouffe 1992 376-7; Cornell 1995:64). This would rely on a definition of individual citizenship in terms not of bodily 'indivisibility', but rather, in Cornell's terms, of the imaginary perception of one's self as whole over time. Thus, the citizen's 'indivisibility' bears a complex relation to their embodied personhood, as it is the imaginary, rather than the physical, underpinning of individuality, and individuated sense of selfhood, that is at stake. This position seems to provide a substantial alternative to the privacy perspective, and would overcome the fear that feminist claims for recognition of women's rights as individuals would require a disavowal of women's distinctive embodiment.

In the context of post-X case reproductive politics, where the citizenship rights accorded to the 'unborn' in 1983 were judicially subordinated to the rights of 'mothers' for the first time, how does the construction of citizenship through a gendered and sexualized discourse of nationhood and reproduction translate in terms of women's rights?²⁰ Specifically, how does anti-abortion articulation of foetal autonomy, through a distinctly 'modern' discourse of scientific progress, often employed in other contexts for eugenic purposes, reconcile with the discourse of nationalist traditionalism otherwise promoted by the anti-abortion lobby? What impact can feminist advocacy for women's reproductive rights have on the hegemonic post-X case political culture?

²⁰As Kandiyoti (1991) Yuval-Davis and Werbner (1999) note, national discourses often employ women as markers of national boundaries, in terms which jeopardize women's citizenship.

These questions will be discussed in detail in the forthcoming chapters, and particularly in Part Four, which considers official discourses of abortion and gendered citizenship. The next Part will consider the construction of popular political culture, not least in terms of prevalent ideas about nationhood and abortion, both during 1983, as the right-wing were aggressively engaged in their hegemonic anti-abortion project, and in response to the disruption of that hegemony in 1992, through the event of the X case.

PART TWO

POPULAR POLITICAL CULTURE:

THE X CASE, ABORTION, AND THE NATIONAL PRESS

INTRODUCTION

The press reports of February 1992, that a fourteen year old pregnant rape victim was to be prevented from travelling to Britain to obtain an abortion, precipitated extraordinary public protests, political embarrassment, and ultimately constitutional change, as outlined in the Introduction. Given that the X case was apprehended by most people through the news media, this Part is concerned with how that event was constructed through the national press. The ways in which the coverage of the case disrupted, reconfigured, or reproduced the thematic construction of abortion which had become hegemonic in popular political culture during the 1983 constitutional referendum campaign is specifically of interest in what follows.

The national press provides the focus for the next two chapters as a site which explicitly constructs popular political culture. Not only do newspapers have close connections with politics¹, often associated with distinct party-political perspectives (Epstein and Johnson 1998:73), they also explicitly articulate a discourse of nationhood in so doing, as the discussion below will outline (Anderson 1983; Billig 1995). Thus, what is of interest in this Part is how abortion 'common senses' were consistently articulated across a diverse national press, despite the specific and often politically partisan audiences addressed by each particularly newspaper.

¹As Curran and Seaton argue, 'the mass media and mass politics have inspired, reflected, and shaped each other more than has commonly been realized' (1991:1).

The 'news' is not simply a direct account of events as they happen. Rather, it is just one version of a plurality of possible interpretations of a range of events.² Thus the media play a key role in defining both what events are of public significance, and what their significance might be (Hall *et al.* 1978). Events are made comprehensible in the 'news' by referring to them through the already available 'maps of meaning' which make sense of the world by drawing on hegemonic discourses (Hall *et al.* 1978:53-63). In this way, the media play a major role in reproducing the discourses of the powerful, in ways which, in turn, invest the media with institutional power in the production of 'common sense'.

Politicians, extra-parliamentary political activists, and the electorate all encounter major political 'events' through the 'news' media. Thus, the concern with this Part is to consider the press mobilization of 'popular' or commonsensical constructions of the political significance of abortion, prior to considering the more particular constructions of that issue by political activists, and by legislators in Parts Three and Four, respectively. A study of the press coverage of the X case, in relation to a study of similar coverage of the 1983 Pro Life Amendment Campaign, will indicate the ways in which 'commonsenses' connecting abortion and nationhood were articulated in 1983 in ultimately contradictory terms which were ruptured in 1992.³

²The selection process through which 'news' is constructed is carried out in accordance with a complex set of criteria, defined for example by the internal structure of a particular newspapers, as well as professionally established journalistic values, for example 'impartiality', 'balance', and 'objectivity', which justify, for instance, the distinction between 'fact' and 'opinion'. What counts as 'newsworthy' is largely defined in relation to 'news values', such as unexpectedness, drama, and human tragedy. While these values are widely shared across different media, they are given different 'inflections' in particular contexts (Hall *et al.* 1978: 53-63).

³I am grateful to Joan Haran for this description of events.

Three key questions are central to the following chapters: how were the contradictions in popular abortion discourse, which the X case exposed, set up? What role did the media play in producing this contradictory discourse, and how did it respond to the disruption caused by the X case? In what ways were readers constructed as 'the people' through press attention to abortion politics, initially in 1983, and subsequently in response to the events of 1992? Chapter Three will indicate how anti-abortion hegemony was established in 1983 through the production of a 'moral panic', outlined below, by drawing on a discourse of republican democracy in order to construct abortion as a threat to national survival, and consequently displace concerns about women's rights. Chapter Four will consider how the contradiction between advocating foetal rights on the basis of democratic republican citizenship on the one hand, and restraining the articulation of concerns about women's citizenship on the other, became unsustainable, as the X case confounded the popular panic about the apparent threat to the nation's future from abortion, by highlighting the specific effects of anti-abortion hegemony in explicitly national-familial terms. The analysis contained in Chapters Three and Four will consider the power of the mass media to set popular legal and political agendas, and consequently to affect legal and political frameworks and ideas, specifically concerning women's citizenship. These chapters will also suggest how apparently enduring ideas or commonsenses can be less secure than they generally appear.

First, the analytic framework employed in Chapters Three and Four will be briefly outlined below, involving a consideration both of the ways in which the news-media produce audiences in distinctly national terms, and of media interest in and strategies for producing political consensus, particularly through the construction of a 'moral panic'.

The Press's 'National' Audience

The ways in which the media engage in reproducing popular culture cannot be studied in isolation from the way audiences are addressed, and thus created. As Raymond Williams commented: '[t]here are in fact no masses; there are only ways of seeing people as masses' (1961:289) (see also Ang 1991, Hartley 1982).⁴ Hartley points out that '... one of the commodities newspapers like to produce is *readers*', in other words, that '... newspapers deliver readers to advertisers' (1982:130). In so doing, they are also delivering readers to themselves (Curran and Seaton 1991:3), through claiming, defining, and inhabiting the domain of the commonsensical, what they identify as the national 'we'.

In terms of providing an analysis of the construction of the X case as 'news', a general consideration of the style of reportage evident in each newspaper, together with the historical context of the emergence of each of the three national dailies considered in this section, indicates how each paper constructs its particular audience. Firstly, the *Irish Times*, which tends to focus on explanation and analysis, implicitly addresses the urban middle and upper class "intelligentsia". This was historically the paper of the Protestant unionist minority, and is self-consciously liberal in its agenda. It has the smallest circulation of the national dailies. Secondly, the *Irish Press*, which has ceased publication, emphasized personalities and gossip, converting from broadsheet to tabloid form in the 1980s, prior to its demise in the 1990s. The paper was originally established as a vehicle for the Fianna Fáil party, and tended to reflect that party's populist 'catch-all' strategy. It characteristically addressed the

⁴To quote Hartley: 'They [the media] *must* develop a practical 'mode of address' which expresses not only the content of the events they relate but also their orientation towards the viewer or reader, since this orientation is an unavoidable constituent element of all language. However, it cannot be just any old orientation, for it is the 'mode of address', the 'tone' of a newspaper or broadcast, that distinguishes it from its competitors and provides much of its 'appeal' to us as viewers and readers' (1982:88).

to tabloid form in the 1980s, prior to its demise in the 1990s. The paper was originally established as a vehicle for the Fianna Fáil party, and tended to reflect that party's populist 'catch-all' strategy. It characteristically addressed the traditional male wage-earner and his family. The *Irish Independent* addresses a business-oriented constituency. The paper reflects the middle class Catholic ethos popularly associated with the Fine Gael party, but is viewed as a non-partisan newspaper, without a distinctive political agenda.

Despite the foregoing characterisations of the differences between the three national dailies, the focus in Chapters Three and Four is rather on their similarities, as already mentioned. What is of interest is the way readers are primarily addressed as members of the nation, rather than as differential publics constructed through the particular features of the production process (e.g. McQuail 1987:182). While there are high levels of local as well as national newspaper consumption in Ireland, with a local press thriving and constructing local identities in ways not comparable to Britain, attention is focused on national dailies for the purposes of this Part precisely because they set the terms of debate on a national level, on a daily basis, for distinctively *national* readerships. The nation provides the 'banal' commonsensical context through which what counts as newsworthy is filtered (Billig 1995).⁵ In so far as the questions being addressed in this Part centre on the media as a key site of nationhood discourse, attention is paid not to those processes of production and consumption which involve complex market competition and audience differentiation, but rather on the surprising levels of similarity between the three competing newspapers in terms of addressing their audiences as members of a nation. Billig has argued that national newspapers 'evoke a national "we"'

⁵For example, national newspapers are generally organized around a division between 'home' and 'foreign' news.

(1995:115). They establish and depend on the idea of a large-scale community of readers, defined as a nation. In Anderson's well-known formulation:

... the newspaper reader, observing exact replicas of his own paper being consumed by his subway, barbershop, or residential neighbours, is continually reassured that the imagined world [of the nation] is visibly rooted in everyday life. (1983: 40)

Thus, newspapers make the idea of the nation significant, both through their visible circulation, and in their mode of address, constructing readers implicitly as sharing a national 'commonsense'.

The gendered and sexualized constructions of the hegemonic nation in particular are central to press articulations of nationhood. For example, many media analysts have noted that women are generally addressed and constructed by the media as consumers, and more particularly as housewives and mothers (e.g. Brooks and Holbrook 1998:175) rather than, for instance, as voters (Holland 1998). Chapters Three and Four will specifically consider the press construction of nationhood and abortion in terms of gender and sexual discourses, not least in considering the political effects of these press practices.

The Press and Political Consensus

Consensus building, or the production of 'commonsense', is essential to the production of large audiences, a necessary function of mass media, such as national newspapers, whose major task if they are to survive is to deliver their audiences to advertisers, as already mentioned (Mattelart 1986; Ang 1991). As Roger Fowler explains:

Consensus assumes that, for a given grouping of people, it is a matter of fact that the interests of the whole population are undivided, held in common; and that the whole population acknowledges this 'fact' by subscribing to a certain set of beliefs: everyone agrees that *p* and that *q* and that *r*. (1991:49)

Consequently, this mass media practice has an essentially conservative effect, contrary to the popular notion of the press as guarantors of democratic openness and debate.⁶ The convergence between journalistic requirements to report on the activities of the state without upsetting advertisers on the one hand, and official political requirements to persuade the public of the legitimacy of the state actions on the other, has led to the media specifically prioritizing hegemonic political forces (Keane 1991:106). Thus, for example, continuity and order are generally constructed out of chaos and disruption through the media, particularly in times of crisis (Mattelart 1986). In other words, consensus-building is central to the political practice of newspapers.

Encoding/Decoding: The Production of the 'Preferred Reading'

To argue that the news industry plays a major role in producing political consensus is not to claim that newspaper positions are always embraced by readers (van Zoonen 1994). As Fiske (1989:196) argues, popular reception always involves 'misreading' or 'misunderstanding', as audiences tend to use media selectively rather than as a source of authoritative messages (see also, for example, Ang 1991). The reception of newspaper reportage, while of obvious interest in a study of popular culture (Johnson 1995:582-4), is beyond the scope of this Part, which focuses only on the 'encoding' side of the

⁶As Curran and Seaton (1991:3) point out, this widespread belief about press freedom is based largely on the mistaken idea that anyone who doesn't find their views expressed in the press can start their own newspaper.

production of popular meaning (Hall 1980). While there is some correspondence between the 'encoding' and 'decoding' moments in mass communication, otherwise 'we could not speak of an effective communicative exchange at all' (Hall 1980:136), the 'correspondence' is constructed through setting up 'preferred readings'. This is where the mass media are generally most active in the production of commonsense consensus, since 'preferred readings' are produced by employing hegemonic discourses. Preferred readings are 'encoded' in the media text through a particular articulation of hegemonic 'meaning structures', although not in entirely consistent and 'closed' forms. This is then decoded through the reader's preferred 'code' or discourse, either some form of negotiated 'code' which accepts particular aspects of the encoded hegemonic discourse, or an oppositional 'code' which explicitly resists the 'preferred reading' in interpreting the text. The employment of hegemonic discourses as a means of encoding 'preferred readings' by the national press in the context of this study is central to the discussion in Chapters Three and Four.

The Opinion Sections

A major site where the production of popular political consensus is explicit is in the 'opinion' sections of the press, as Chapters Three and Four will indicate. Overtly opinionated sections of the press explicitly evoke consensus in the face of confusion, fear or danger. Editorials in particular explicitly refer to 'the "I", "you" and "he/she/it/they"' (Fowler 1991:210), where the relationship between newspaper, audience and 'other' (constitutive of the 'we') is clearly evoked. Editorials adopt both an authoritative and emotive mode and vocabulary, as well as an argumentative style, while at the same time presupposing solidarity and consensus with the audience. Thus, the reader can feel qualified to join the newspaper and affirm the editorial judgment (Fowler 1991:210-20).

The 'Letters to the Editor' section provides a significant means of actively producing common sense, as the next two Chapters will demonstrate. These letters perform a particular function for newspapers, which print both the letters of the power élite, outlining their position to readers, and also the letters of ordinary readers, conveying these 'popular' opinions to those with power. The status of the letter writer is important in determining which views are published, with editors favouring the statements of powerful individuals and organizations, as well as 'grassroots', or what are presented as 'typically popular' opinions. The emphasis depends on the particular paper's orientation. Letter writers are influenced by what has been described as 'public motives', in other words, they are not intended to communicate with the editor, but rather with policy makers and other influential agents, through the newspaper. Letters usually express their particular concerns through the terms already defining the issue in the news. As such, they provide a substantial indication of the primary definition of the issues. In particular, those which explicitly articulate popular 'commonsense', asserting what 'everyone knows', argue their case much less than those whose attitudes can less easily claim popular support (Hall *et al.* 1978:120-125).

The letters provide a 'balancing' effect in newspapers, an important journalistic value, especially when a newspaper defends a particular position on a controversial issue, such as on abortion law. The inclusion of letters from different perspectives contributes to the legitimacy of the press's claim to be democratic, while actively engaged in the construction of political consensus, as Chapters Three and Four will indicate. The letters page does not simply represent 'public opinion', but rather is a highly structured forum, often aimed at shaping public opinion, in the name of that public, through trading on reader participation (Hall *et al.* 1978:120-125). The ways in which the 'opinion' sections of the national press explicitly produced a national consensus during

Moral Panics

Definitions

The production of a 'moral panic' is a significant media strategy for producing consensus, whereby popular awareness of, and attitudes towards, what is established as 'deviant' or immoral, for example abortion, is produced and maintained through the media, with the notable effect of mobilizing institutions of social control.

The theory is generally credited to Stanley Cohen who elaborated it in his influential study of perceptions of youth culture in the 1960s, *Folk Devils and Moral Panics*. Cohen studied the role of the media in shaping public perceptions of 'mods' and 'rockers', and in generating public concern about their activities. He defined a moral panic as follows: 'A condition, episode, person, or group of persons emerges to become defined as a threat to societal values and interests' (1980:9). The media's role in maintaining and policing definitions of social behaviour as 'deviant' or problematic is seen as central to the stability and hegemony of those definitions. The production of consensus through a 'moral panic' becomes an explicitly institutionalized form of social control.

The theory was further elaborated by Stuart Hall *et al.* (1978), in their well-known work on the emergence of 'mugging' as a crime. *Policing the Crisis* defined a 'moral panic' as follows:

When the official reaction to a person, groups of persons or series of events is *out of all proportion* to the actual threat offered, when 'experts', in the form of police chiefs, the judiciary, politicians and editors *perceive* the threat in all but identical terms, and appear to talk 'with one voice' of rates, diagnoses, prognoses and solutions, when the media representations universally stress 'sudden and dramatic'

increases (in numbers involved or events) and 'novelty', above and beyond that which a sober, realistic appraisal could sustain, then we believe it is appropriate to speak of the beginnings of a *moral panic*.
(1978:16, original emphasis)

Thus, a 'moral panic' can be described as the orchestration of 'commonsense' regarding the construction of a particular behaviour, event, person, or group, as a social threat. In the terms outlined above, the effectiveness of a moral panic depends on the apparent spontaneity of its emergence, and the subsequent exponential growth in the incidence of its subject.

Such panics are typically characterized in terms of a three-stage process. Firstly, an initial event occurs, which receives dramatic media coverage, and establishes intensive media surveillance. One key effect is that subsequent events are identified and coded as similar. The action or category of persons is established as a threat to values or interests. Secondly, popular media coverage begins to draw attention to wider social implications that the event is defined as raising. This is done primarily through the use of what are referred to as 'accredited witnesses' and 'primary definers', that is, those experts and officials who generate definitions of events and issues, due to their powerful positions as guardians of public morality. The media itself plays a crucial political role in reproducing the definitions of these accredited witnesses. 'Moral entrepreneurs', including particular media institutions themselves, may offer competing definitions of events, if they obtain media access. However, their arguments must generally engage with the already established definition of what is at issue, since the limit for further public discussion is set by the primary framing of the problem. Once a primary interpretation of events is established, it 'commands the field' within which the subsequent debate takes place, and becomes extremely difficult to alter. At this second stage, the moral panic involves a

'signification spiral', or an apparently 'self amplifying sequence' which makes the event or activity seem increasingly threatening to the social order (Hall *et al.*, 1978:58-9). The idea of a threshold is introduced to indicate an escalation in the threat beyond which society cannot survive (p.223). The overall effect of this media attention is to 'discover' a widespread and menacing social problem. Ultimately, the media abandon any semblance of 'balance' in their reporting. Finally, the third stage involves the dramatic exposure of social control, particularly in relation to the state. Thus, the exaggeration of relatively trivial crimes through the media has serious effects, based on the assumption that, unless strict action is taken, things will spiral out of control. What results is calls for more severe penalties, greater police powers, and possibly the creation of new criminal offences.

Moral panic theory, particularly Hall *et al.*'s version outlined above, has been subjected to substantial criticisms, three of which will be considered below in order to assess the usefulness of this framework for providing an analysis of the effects of the X case on popular political culture. The following discussion will consider first criticism of the claim that a moral panic depends on a 'disproportionate' public response to an event or group; second, the conspiratorial emphasis on consensus-building; and third, the functionalist, or teleological trajectory and consequences of such a panic.

Proportionality

The emphasis on the disproportionate public response appears to demand measuring representation against what is 'real', rather than concentrating on the significance of representations in themselves (Thompson 1998:140). How is a response measured as reasonable, or proportionate? Waddington, for example, has argued that the value of the theory is largely polemic, since the idea of

'panic' is unfeasible: what is a panic from one perspective is a legitimate concern from another (in Baker 1999).

For instance, accepting the principle of 'proportionality' enables Goode and Ben-Yehuda (1994) to claim that the conflict over abortion provision in the US cannot be described as a moral panic, for precisely this reason. Nor, they argue, can the anxiety over AIDS. Neither represents a moral panic because there is a correspondence in each case between the 'real' threat posed by abortion and AIDS, and the public reaction to those threats. In the case of abortion, they argue that if a foetus is defined as a human being, then there is a real threat that legal abortion constitutes state-sanctioned murder, which it is entirely appropriate or 'proportionate' to panic about, and to consider restricting through the law. Similarly, in the case of AIDS, they argue that the threat to public health is real and serious, and it is reasonable that the state should be called upon to take steps to minimize the disease's spread. However, clearly these arguments rely on highly controversial accounts of what the 'real threat' is, in measuring public and political responses as 'proportionate', and therefore as not 'panicked'.

What counts as public morality is itself a 'commonsensical' category in need of interrogation, as is the construction of what counts as an 'actual' threat to that morality. Thus, the measure of 'proportionality' produces a circular argument, whereby a 'panic' is defined as such because it is 'unreasonable' to panic about that particular issue or event. In other words, the 'proportionality' principle relies for explanatory purposes on what it attempts to explain.

Moral Panic as Conspiracy

The development of moral panic theory has also been criticised for being overly conspiratorial. Goode and Ben-Yehuda (1994) in particular make this argument, characterizing Hall *et al.*'s classic elaboration of the theory as an 'élite engineered' model. They argue that the claim that moral panics are 'engineered' by the media simply in order to reproduce the interested parties of the capitalist class, as they put it, is implausible. They favour instead a more limited construction of the theory, which they term an 'interest-group' model. By this they mean that moral panics can be explained as the effect of a convergence of a variety of independent interests, who, together, have a stake in bringing a particular issue to the fore of popular culture, in a particular light, and demanding stricter law enforcement (1994:137-9).

However, rejecting the 'engineered' aspect of the theory enables Goode and Ben-Yehuda to ignore the broad power contexts within which moral panics may occur. While the operation of power may not simply and inevitably reproduce the interests of capitalism, it seems equally problematic to ignore the hegemonic projects and discourses through which commonsenses, and political consensus in particular, not least concerning morality, are constructed. Significantly, Goode and Ben-Yehuda's rejection of the 'conspiracy' aspect of Hall *et al.*'s model leads them into analyses of discrete moral panics in themselves, independently of any concern about the possibility that the occurrence of a 'moral panic' may be symptomatic of broad political tensions and transformations (Jones 1997). Thus, they fail to examine the historical background and political context through which particular 'panics' emerge, and particularly the broad power struggles within which panics tend to be embedded (1997:13).

A Functionalist Theory

A third criticism of the theory, as Hall *et al.* develop it, is that their version relies on a functionalist teleology (Jones 1997). Specifically, *Policing the Crisis* pays little attention to oppositional forces in the process of defining particular issues as morally significant. This implies a view of the socio-political and cultural spheres as a coherent totality, controlled through domination. Hall *et al.* do not adequately deal either with resistances to the production of hegemonic definitions, or with the possibility that oppositional forces may achieve successes. If some resistance occurs in defining a particular issue, such as illegal drug use, abortion, or 'mugging', as threatening the morality of the nation, the 'inevitability' of increasingly coercive social control may be undermined. The third stage, the institution of increasingly coercive social control, can be avoided at best, or reversed at least. In the light of this, Jones advocates instead the idea of 'competing moral enterprises' rather than 'moral panics', arguing that it better captures the conflict through which certain issues come to be defined as morally significant at the expense of others. However, this alternative, while describing the process of competition between discourses struggling to achieve or retain 'common sense' hegemonic status, fails to capture, as 'panic' does, the centrality of the popular or the national in the process of competition. This is particularly problematic given that moral panics generally concern nationhood discourses, while also involving calls for political action from the state.⁷ Thus, redescribing the process through which popular anxiety emerges in terms which calls for an escalation in official regulation as an effect of 'competing moral enterprises' fails to capture the centrality of popular culture to processes of formal and informal control.

⁷I am grateful to the participants in the Feminist Media Studies seminar held at the University of Warwick during 1999/2000 for this point.

Thus, the theory of 'moral panic' remains useful, within limits, and can offer powerful explanations of the connection between the media, the state, national-popular politics, and the official limitation of citizenship rights. However, the emphasis on 'proportionality' adds little to the explanatory power of this framework. Similarly, interpreting a 'moral panic' as a simple collusion between the media and the forces of regulation ignores the complexity and hegemonic struggles through which such panics both emerge and are stifled. The value of the idea of a moral panic thus lies precisely in the way it captures the centrality of popular culture to political processes through which legal controls are increased, and particular groups, practices, and events are deemed threatening to national survival. It is in these more limited terms that the theory will be employed, not as a means for explaining an inevitable teleology through which press treatment drives anti-abortion politics, but rather, to explain how an anti-abortion morality acquired commonsensical status in 1983, in terms which excluded any consideration of women's citizenship rights throughout the amendment campaign, and which ultimately produced the events of the X case in 1992.

Methodology

Particular moments in the extensive newspaper coverage of abortion politics will provide the focus for analysis in Chapters Three and Four, which consider the discourses evident in newspaper texts, rather than the visual coding in, for example, the layout and typography. The three highpoints of debate examined in detail in Chapter Three are 28th April, 29th August, and 6th September 1983. Having surveyed the press coverage from January 1980 to December 1983, I focused on three moments during 1983 when coverage of the proposed constitutional amendment was intense, as indicated by the level of major front page headlines. Detailed study of three periods followed,⁸ and the three days discussed in Chapter Three illustrate the themes of these periods. The 28th April was the day following the Government's defeat in the Dáil on an alternative form of words for the proposed referendum, on the grounds that it did not confer a positive 'right to life' for the 'unborn', as the opposition party's wording did. The 29th August was a Monday at the beginning of the last full week of campaigning in the run up to the election, and the 6th September was the last day of campaigning prior to the referendum, when arguments were summarized in a final effort to win votes.

Chapter Four focuses on five days in 1992, 18th February, 6th March, 5th May, 27th May and 25th November. Again, these days were the focus of major events in abortion politics. A similar research process was followed to that described above, namely a survey of the major front page coverage of the case and its aftermath during 1992 as a means of focusing on key news moments during the year. The initial coverage of the X case story on 18th February provides the first moment of media attention, when the main story was that X

⁸These were 21st to 30th April; 22nd to 31st August; and 1st to 9th September 1983.

was diagnosed as suicidal. The coverage of the Supreme Court's decision to lift the injunction against X travelling abroad or obtaining an abortion provides the second point of analysis in Chapter Four. Thirdly, a survey of front-page headlines during May and June of that year, when abortion law had been a major political issue during the Maastricht referendum campaigns, indicated five highpoints of media attention, from which two in particular will be discussed. These were 5th May, when a story similar to the X case was reported, and 27th May, following a Bishop's statement on the Maastricht referendum. The 25th November, the day prior to the three abortion referendums which the X case had brought about, and illustrative of the entire period immediately prior to and following those referendums, is significant because of the scarcity of coverage of those referendums.

Chapters Three and Four will interpret the press coverage of the abortion issue in terms of a moral panic, as described above. Chapter Three will focus on the production of popular anxiety over abortion in the context of 1983 newspaper coverage of the campaign to amend the Constitution to provide a foetal right to life. As already mentioned, the thematic configuration of anti-abortion discourse at this formative moment provided the basis for the later crisis. Only by carefully examining the tensions and contradictions evident in 1983 can the significance of the X case be properly considered.

Chapter Four will consider how the press coverage of the X case and subsequent legal and political battles affected the popular 'commonsenses' which had been established during 1983. In particular, the way popular abortion discourse shifted in relation to the reconfiguration of discourses of nationhood will be discussed. Again, the political agency of the national press will be considered in terms of its cultural and legal effects. Finally, classical

moral panic theory as defined by Cohen (1980) and Hall *et al.* (1978) will be reconsidered in the light of the moral rupture which the X case produced.

CHAPTER THREE

1983 AMENDMENT IN THE PRESS: A NATIONAL MORAL PANIC

Introduction

The campaign to amend the constitution in 1983 produced the discursive configuration which was later thrown into crisis by the X case, as already discussed. Press coverage of this campaign was formative in constructing anti-abortion commonsense, and will be considered in this chapter.

The major question to be addressed in what follows is what role the press played in establishing a popular anti-abortion political culture in 1983, in terms which were later disrupted by the events of the X case. This question will be considered by employing the model of a moral panic, already outlined. In terms of the 'classic' trajectory, however, it is difficult to pinpoint any particular event, or series of events, which could be characteristic of the first stage, when an issue is initially defined as a threat to social values. In fact, the Pro Life Amendment Campaign (PLAC) themselves prefer to claim credit for alerting the public to the threat posed, in what they refer to as their 'pre-emptive strike' against the forces of secular pluralism. The 'hysterical climate' that characterized the debate in 1983 (Brown 1985:346) was overtly created and proudly claimed by that anti-abortion campaign. Thus, the 1983 debate does not, in its initial stages, conform with the apparent authorlessness of the classic model.

The events of 1983, however, seem to accord closely with the model's second stage, i.e., the apparently spontaneous 'spiral of signification', where media

attention focuses on wider social implications that the specific issue is defined as raising, and establishes that issue in terms of a threshold beyond which society cannot survive. Abortion was indeed defined as a threat to the survival of Irish values, as this chapter will demonstrate, despite competing definitions of its significance. This was not achieved through narrating particular abortion tragedies. Instead, the debate in the newspapers focused on moral-theological questions, particularly concerned with when human life might begin. The themes which characterised the construction of this threshold will be discussed in detail below. The impact of the X case on the commonsensical status of the abortion threshold will be examined in Chapter Four, which will also reconsider the value of classical moral panic theory in terms of its final stage.

Abortion in the National Press: Key Themes

The key themes structuring the treatment of abortion in the national press during 1983 drew explicitly on the well-established constructions of nationhood outlined in Chapter One. The specific configuration of nationhood through abortion involved three major strands. Firstly, anti-modern traditionalism was central to the 'moral panic' constructing abortion as threatening to national survival. This theme was articulated through emphasizing the distinctly Catholic and generally Christian nature of national culture, in terms of the 'civilizing' force of that doctrine, a particularly modern formulation. Secondly, the anti-abortion panic relied on patriarchal familism as central to national morality. Specifically, this theme was articulated in terms of a national morality which opposed eugenic practices, epitomized by abortion. Finally, the orchestration of anti-abortion panic relied on a discourse of republican democracy through which the 'people' are invested with political sovereignty. This was specifically articulated in terms which marginalized any consideration of feminist, pluralist, secular, or even non-Catholic opinion on abortion, an

effect which was itself marginally thematised as anti-democratic and indeed as 'McCarthyist' during the year.

Abortion in the National Press: The 'News' and Popular Political Culture

What Audience, Whose Nation?

The primary definition of the significance of abortion was not provided by advocates of women's rights or reproductive freedom, perspectives which were marginal to the coverage. Rather, members of the clergy, medical practitioners, theologians, and representatives of grassroots organizations were primary definers of what was at stake. Press access for feminists and other anti-amendment campaigners, including left wing politicians, liberal doctors, and professional organizations concerned with reproduction, such as the Irish Family Planning Association, depended on their ability to engage with the debate in the terms already established by the primary definers. The press appeared to have abandoned the general emphasis in news production on 'balance'. In other words, the press played a politically significant role in constructing their audiences as 'national' and anti-abortion, through controlling what could be said by whom.

The Traditional Catholic/Christian Nation

The first theme informing the 1983 newspaper debate was that the Christianity of the nation was apparently at stake in the referendum. From this perspective a failure to ratify the proposed amendment would constitute a betrayal of the nation's historic mission as a civilizing Christian exemplar in the world. This theme can be traced to a historic construction of Ireland as 'the land of saints and scholars', a centre of missionary Christianity. This discourse was constructed as a position from which to resist the secularism associated with the modern industrial world.

The Post-Colonial Christian Nation

The atmosphere was very friendly, but highly emotional and intense. They were there to pray for the success of the pro-amendment campaign, and ... many members of the congregation prayed aloud for the restoration of moral values they see slipping away in Ireland. (Kennedy, Maev 1983 'Papal Nuncio offers Mass of atonement' *Irish Times*, 29th August, p.8)

The construction of the nation as specifically Catholic and generally Christian was prominent in journalism, editorials, and letters on abortion. The above quote reproduced the terms within which the abortion referendum had already been defined throughout the coverage. The reporter conveys a strong sense of community, contrasting the small size of the church to the large 'friendly but intense' congregation. As Harris (1984:161) comments, "[c]ommunity" has become a local level proxy for 'the nation' [in Irish culture]'. By focusing on Catholicism, the reportage conveys an association between the religious national community and intense anti-abortion feeling. The connection is expressed at the level of 'what we all know', the commonsensical.

The report included details of a letter sent to all Irish Catholic priests from a group of English non-Catholic Christians, which was read out at the mass. The substance of the letter was to urge Ireland 'not to go the way England had gone', in other words, to prevent the introduction of legal abortion in Ireland. Again, Ireland is characterised, in post-colonial terms, as more Christian than, and consequently envied by, its former colonial master.

However, this was not a self-satisfied Catholic-Christian nation, given the threat posed by decriminalized abortion. It was reported that a man prayed 'that Ireland might become once again an island of saints and scholars', the phrase used to describe the pre-colonial era, and a woman prayed 'that Ireland may become pure again'. This desire to return to a golden age of Christian morality was constructed as central to anti-abortion feeling. Ireland could only retain its enviably Catholic character if the proposed 'pro-life' amendment were passed by the people. The sense of urgency this report conveys about the need to defend against legal abortion indicates the orchestration of panic in the press. The threat posed by the possibility that foetal life might not be granted citizen status would appear to threaten the survival of this distinctive confessional nation.

The sense of panic in the face of imminent danger is expressed in an article written in favour of the 'pro-life' amendment by a senior cleric, a member of a particular group who the media had recruited as primary definers of what was at issue:

For fifteen years now a struggle has been going on for the soul of Ireland. A planned campaign has been conducted by pressure groups, inspired by highly organized forces outside our country who are bent on dismantling the Christian way of life. Among their aims has been the legalisation ultimately of abortion. (Cremin, Monsignor F. P. 1983 'A Catholic view of the Amendment' *Irish Independent* 29th August, p.8)

Monsignor Cremin addresses his audience, in national terms, as Christian freedom-fighters, implicitly male. The colonial construction of the Catholic nation is significant. This article, flagged as a piece of 'thought and advice', constructs Ireland as the site of an international battle between Christianity and

its pro-abortion antithesis. Ireland's freedom is once again under threat from the secular modern world, which is attempting to colonize the nation by destroying its moral (anti-abortion) character. Urging a 'yes' vote, the Monsignor advised electors that, '... you will have resisted a mortal blow at our Irish Christian ethos and Faith' (*ibid.*). By alluding to resistance in these combative terms he is implying that the nation's identity and future are at stake in the abortion referendum, as they had been in the past in more overtly militarized settings.¹

Christianity and Modernity

The press treatment of abortion during 1983 through this traditionalist Catholic/Christian discourse explicitly equated the latter with 'civilization', a not uncommon theme in colonial discourse (Said, 1978:67; 100). For example, the *Irish Independent* published a letter from a Protestant clergyman based in Northern Ireland, quoting from a statement endorsed by Anglican Bishops in 1979, urging that the Republic accept the amendment in order to defend Christian civilization against liberalism:

Th[e] sacredness of life which is a fundamental truth of Christianity is being increasingly violated through liberal abortion laws even in so called civilised countries...

It is my sincere prayer that Ireland will witness to the world that "the sacredness of life is an absolute which should not be violated".

(Kerr, Reverend Cecil, Letters to the Editor, *Irish Independent* 6th September 1983, p.8)

¹He quoted from a speech given by the Pope on his visit to Ireland in 1979: 'Ireland is at a point of decision in her history. The Irish people have to choose today their way forward ... You the present generation of Irish people must decide; your choice must be clear and your decision firm ... Your country seems in a sense to be living again the temptations of Christ ... Satan, the Tempter, the Adversary of Christ, will use all his might and all his deceptions to win Ireland for the way of the world ... Now is the time of testing for Ireland. This generation is once more a generation of decision, Dear sons and daughters of Ireland ... pray that Ireland may not fail in the test' (*ibid.*).

The Reverend Kerr addresses his audience primarily as fellow-Christian defenders of 'civilization', rather than as fellow-nationals. He appears, from this letter, to consider the Republic as the last frontier of Christian civilization, which can withstand the liberal tide only by ratifying the 'pro-life' amendment.

The publication of his letter, which portrays the abortion issue as a possible site of north/south agreement, since it is defined as an issue through which 'Christian civilization' can be defended, indicates the ways that the press were centrally involved in producing an anti-abortion consensus. Again, the former colony is represented as the more civilized culture, from the perspective of the colonizer. As Christian values are being eroded by liberalism, it seems that civilization is also under threat. This is indicated by the reference to 'so called civilized countries', by which he means Britain, as his subsequent comments indicate. The more usual antagonisms between Protestant and Catholic versions of Christianity, particularly as mapped onto antagonisms between the north and south of Ireland, are overridden here, in favour of a common Christianity, embattled in the face of liberal abortion laws. In this articulation the abortion threat is escalated beyond the survival of the Irish nation in particular, to threaten civilization in general. This functions specifically as a counter to the major position of the Anti-Amendment Campaign (AAC), outlined below, that the proposed 'pro-life' amendment was sectarian, in the sense that Catholics were divided from non-Catholic Christians, together with other religions, over the moral status of the foetus. In other words, the AAC position, that the proposed amendment would worsen political conflict in the north, was refuted through the publication of letters such as this, from a Protestant clergyman based in the north, admiring the 'pro-life' political culture of the south.

The 'Pro-Life' Familial Nation

The second theme characterising the 1983 debate in the national press was that the Irish nation was defined, through its comprehensive 'pro-life' ethic, in terms of patriarchal familism. This theme defined Irish familial culture in terms of a moral code which values human life in all its diverse forms. Abortion, an act which violates the patriarchal family by undermining its construction of women in primarily maternal and subordinate terms, was constructed as precisely the opposite of this moral code. In particular, abortion was constructed through 1983 press coverage as a eugenic practice upon which prejudice against groups of people, defined both through their physical and their cultural 'undesirability', depends. A failure to recognize the moral status of 'unborn' life as equivalent to that of born 'persons' would, in this view, amount to facilitating the survival not only of disabled persons, but of national familial culture itself.

The Anti-Eugenic Familial Nation

... Mr. Kemmy [party leader] and his party are saying that they want a society in Ireland which cannot include handicapped people.

I want to point out to Mr. Kemmy and the D.S.P. [Democratic Socialist Party], and to all others who advocate the killing of unborn handicapped children, that we in Ireland love the handicapped, that handicapped people have brought tremendous happiness to their families and to their communities, and we in Ireland will always have a place for handicapped people, and we will fight to protect the right to life of all citizens and all unborn children, regardless of whether they are handicapped or not. (*Irish Press* Letters to the Editor, 29th August 1983, p.8)

The orchestration of a moral panic through press mobilization of hegemonic themes of nationhood can be seen in this letter, written in response to a public statement from the marginal Democratic Socialist Party (D.S.P.) that it considered abortion a justifiable reaction to severe foetal abnormality. The letter-writer explicitly defined abortion as an issue concerning anti-eugenic familial national identity. Mr. Kemmy and his party are excluded from the 'we in Ireland', since their statement disqualified them from belonging to the anti-abortion nation, 'handicapped people' are also excluded from the national 'we'.² The author, a doctor, and hence a primary definer of what was at stake both in abortion access and in the care of 'handicapped' people, clearly objected to abortion on grounds of national identity, constructed through an anti-eugenic familial and communitarian moral code. The republican tradition, registered in the assertion that 'we will fight to protect the right to life of all citizens and all unborn children' is also important in this appeal to Irishness. By drawing on a set of 'commonsenses' about the nature of Irishness, which referred to family, community, respect for humanity regardless of ability, and the republican tradition, this letter effectively constructed any argument in favour of legal abortion as opposed to these elements of nationhood, and hence as not-national.

The anti-eugenic nation at risk

The chair of the PLAC, a primary definer of the issues at stake, argued in a letter to the *Irish Times* that the practice of what she termed 'discriminatory' abortion is implicitly eugenic, and so immoral. She made this argument through an attack on a Methodist Church statement setting out its position on the

²Furthermore, the phrase 'we in Ireland will always have a place for handicapped people' indicates that the latter constitute a 'they' which 'we' are happy to live with, implicitly on our terms.

referendum, which declared its opposition to 'indiscriminate' abortion, although not to abortion *per se*:

... just a little abortion should be accepted seems to be the message from the Methodists.

So who will we discriminate against for a start? The physically or mentally handicapped, perhaps, but only the really bad ones, of course? They don't have the required perfection to be allowed to live in our Christian society.

Those conceived, through no fault of their own, in less than ideal circumstances (incest or rape)?

Well, that shouldn't amount to very many per annum and wouldn't disturb any thinking person. Right?

But hang on. Weren't the 161,000 babies (including 4,000 Irish ones) aborted in Britain last year discriminated against for one reason or another? Is this what discriminatory abortion can become ... abortion on demand? (Marie Vernon, Chair of the PLAC, *Irish Times*, Letters to the Editor, 29th August 1983, p.11)

The letter addresses its audience by flagging nationhood through a republican discourse which draws on commonsense anti-British feeling. Her argument focused not on the equal worth of all humans, regardless of the circumstances of conception or physical capacities, but rather on implying that Irish babies were being aborted in Britain as a result of 'discrimination', implicitly on grounds of nationhood.

The anti-abortion position was thus constructed in anti-eugenic and anti-authoritarian terms. The references in this letter to British state policies which discriminate against physically or mentally 'handicapped' people evoke

resonances with Nazi Germany, and crimes against humanity. By extending the idea of eugenic discrimination on grounds of race or physique to implicitly cover discrimination against the Irish in Britain, a correspondence between the treatment received by the Irish in Britain and the 'handicapped' in Nazi Germany is established. The implication is that the failure to accord 'the unborn' with a right to life would entail colluding with anti-Irish policies, and would ultimately amount to national suicide.

Thus, national vulnerability, combined with a national anti-eugenic familial and republican ethos, is positioned in opposition to the practice of abortion. The latter must, in these terms, be resisted if the 'pro-life' familial nation is to survive.

Republican Democracy and Popular Sovereignty

The third theme characterising the debate, as already mentioned, was that of republican democracy, a theme more usually associated with anti-authoritarian political discourses. This anti-abortion articulation of democratic discourse emphasized the constitutional position of the nation as sovereign.³ The campaign for constitutional recognition of a right to life for 'the unborn' relied on the claim that this was what the people wanted. The amendment was aimed at ensuring that abortion would not become legally available in the future without the people's consent. In other words, the nation's interest in protecting its sovereignty was, in this view, at the heart of the referendum campaign. Ratifying the amendment would ensure that any future proposed changes would be referred to the 'pro-life' nation. Democracy would thus be protected, as the people would have to be canvassed before the government could

³This is determined by Article 6 of the Constitution: 'All powers of government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate the rulers of the State and, in final appeal, to decide all questions of national policy, according to the requirements of the common good' (*Bunreacht na hÉireann*, 1937).

introduce any legal changes, whether of their own instigation, or on the basis of European law. Republican democracy would also be protected through the ratification of the 'pro-life' constitutional amendment, in this view. The 'common good' and national sovereignty would thus be protected from 'foreign' influences.

The Threat from Government

A "YES" vote means Yes, I want the existing Constitution amended (changed) so that abortion cannot be brought into this country without a majority vote of every citizen of this State.

A "NO" vote means No, I do not want the present Constitution amended (changed) because I think that we need abortion in some cases - however few or many - at some time in the future, and this could be brought about by challenging in court the existing Offences Against the Person Act (1861), without the mandate of all the citizens of the State. (Angela MacNamara, Christian Counsel, *Irish Press*, Letters to the Editor, 6th September 1983, p.8)

The main assertion evident in the press coverage of the referendum campaign, as the above quote indicates, was that without constitutional protection the supposedly popular anti-abortion ethos would be disregarded by those with political power. If the proposed constitutional amendment were to be rejected, the danger was that government, either legislative, executive or judicial, would usurp this sovereignty, and thereby undermine the republican constitution.

The pro-amendment lobby insisted, in the face of criticism, that their campaign was aimed simply at ensuring that those with political power would be guided

by 'the people', whom they claimed to represent. A report in the *Irish Press* on the opposing arguments in the debate indicates this:

We are painted as bigots and religious fanatics. But pressure groups are a normal way of bringing grass-roots opinion to the attention of governments and that's what we have done. The fact that we have succeeded is held against us. We got what we wanted, the rights of the unborn to be decided by the Irish people themselves. (*Irish Press* 'Campaign dividing the nation' 29th August 1983, p.9)

This statement was reportedly made by PLAC spokesman Brendan Shortall, who characterised the pro-amendment lobby here as defenders of democracy, concerned primarily with enabling the people, rather than the government, to 'decide' on the legal status of abortion. Despite the defensive tone of the comment, which implicitly acknowledged that there was intense disagreement over the proposed amendment, the speaker succeeded in aligning the PLAC position with a defence of the people's sovereignty, with connotations of an anti-democratic project informing PLAC's opponents. Abortion was thus defined as an issue of major national significance requiring the people's special attention.

The possibility that governmental action on abortion law might not be guided by 'the people', represented by the PLAC, was highlighted through parallels drawn with legal change in the US. The *Irish Times*, for example, published the following letter from a US Congressman:

Ten years ago abortion was illegal in America. Like you, our Constitution did not specifically guarantee protection for the unborn. Like you, most of our anti-abortion laws were passed in the 1860s.

Our laws were challenged in court. Since then there was no specific mention of the unborn in our Constitution, our Supreme Court imposed abortion on demand for all nine months of pregnancy. (Chris Smith, Letters to the Editor, 6th September 1983, p.11)

This letter, from a politician who had travelled to Ireland at the invitation of anti-abortion campaigners in order to share 'the tragic American abortion experience', as he put it, with the people of Ireland, addressed readers as fellow citizens. The author offered a warning of how apparently popular anti-abortion feeling in the US had been over-ridden by the judiciary. Newspaper coverage of abortion provision in the US carried stories, he claimed, of 'children surviving the abortion procedure - only to be killed after birth'. They also carried what he described as 'frightful stories ... [of] women who suffer extreme psychological hardship and pain and permanent physical damage because of their abortion'. By drawing explicitly on largely negative press coverage of legal abortion in the US the congressman was indicating a parallel between Ireland and the US, in terms of popular anti-abortion feeling, and suggesting that this popular feeling was not considered by the US Supreme Court when they 'imposed' legal abortion on the American people. The publication of a letter of this sort, the tone of which is distinctly anxious, indicates press participation in the production of a popular 'panic' concerning the future and status of abortion law.

The Threat from Europe

The threat to the sovereignty of the people also came, through the courts, from Europe in this 'democratic' anti-abortion discourse. For example, a report published on the eve of the referendum on the controversial wording of the amendment included comments from the prominent law professor, barrister and right-wing political campaigner, William Binchy, to this effect:

Barrister Mr. William Binchy said the legal protection of the unborn was too fundamental a matter to be left to the European Commission or Court to resolve, especially when all the evidence indicated that these bodies favoured liberal abortion and would oppose laws that prevented it. ('Objections to form of words "are contrived"' *Irish Press* 6th September 1983, p.4)

The *Irish Press* drew on Mr. Binchy as a primary definer of what was at issue, and, in so doing, reproduced a 'commonsense' which associated Europe with liberalism in contrast with Irish conservative traditionalism. The people's sovereignty was constructed as threatened both by the national government and by international institutions.⁴ Again, the construction of legal abortion as the threshold beyond which the nation could not survive is evident. The threats are thus constructed as multiple, and almost overwhelming, according to legal experts such as Mr. Binchy. A panicked popular reaction would appear reasonable in this construction.

The Threat of Modernity (Feminism and Liberalism)

Central to this 'republican democratic' theme was the construction of arguments in favour of abortion access, generally associated with feminism and liberalism, as unIrish, and indeed as a threat to the state. This went hand-in-hand with the marginalisation of 'pro-choice' and reproductive rights positions in the general coverage of the debate, as already mentioned. This construction relied on defining 'the unborn' as morally and ontologically equivalent to pregnant

⁴The hostility of the anti-abortion right towards Europe can be explained not only by their fear that the Irish electorate would not be given an opportunity to vote on any possible changes to the law on abortion, but also by the fact that the right themselves lacked any significant power in Europe. While the anti-abortion campaign in Ireland had proved highly successful in 1983, due to the influential positions of many of its key figures in Irish public life, it could not hope to exert such influence at European level.

women, and consequently defining abortion as an act of murder, a characteristic strategy of anti-abortion discourse which positions women as threats to 'the unborn'.⁵ In this context however, reproductive rights campaigners are also constructed as comparable to terrorists, as enemies of the nation-state. The activities of 'pro-choice' campaigners in general, and feminists in particular, were constructed as anathema to the Christian, pro-life nation, already discussed, and, as such, threatening those very principles upon which the state was established.

The connection between campaigners against the amendment and those who favoured legalized 'killing' was constructed in and through the press coverage as 'what we all know', in other words as 'commonsense':

Not all those opposed to the amendment favour abortion but there is no doubt that many individuals and groups involved in the anti-amendment campaign do favour limited or unlimited killing of the unborn. (*Irish Press*, Letters to the Editor, 6th September 1983, p.8)

This letter-writer does not present any evidence to convince the reader of the claim made, but simply asserts it as beyond doubt. As Hall *et al.* (1978:120-125) point out, the less argued the claim made, the more it necessarily appeals to popular commonsense. The agenda of those who favour 'killing', if successful, would destroy the nation, and consequently the nation-state:

The fact is there is nothing to be lost by the amendment going through, but there are the lives of thousands of future citizens to be

⁵See for example Luker 1984, Hadley 1996, Reagan 1997. As Petchesky has argued, the particular presentation of foetal imagery, not only in anti-abortion propaganda, but in medical practices such as ultra-sound scanning, depends on precisely this logic of abortion as equivalent to murder (1984:x-xi).

lost if it fails, an[d] this would diminish and degrade this noble nation
... Are we going to forbid the children of the future by killing them in
the womb. (*Irish Press*, Letter to the Editor, 6th September 1983,
p.8)

This letter-writer evokes the national 'we' in his mode of address, employing nationalist discourse in his call to readers to defend the nation's future against the anti-amendment threat. Not only would the 'noble nation' be degraded, implicitly by abandoning its 'pro-life' values, but its very survival would be jeopardized by the possibility of legal abortion.

This aspect of the anti-abortion articulation of a discourse of republican democracy was explicitly anti-modernist. For instance, Patrick Nolan, the *Irish Times* Religious Affairs Correspondent, began an opinion piece on the value of the proposed amendment with the following statement: 'I share the view of many people on both sides of the amendment debate that abortion is one of the great evils of the modern world' ('Why I am voting "Yes"' *Irish Times*, 6th September 1983, p.6). Moreover, the following letter compared legal abortion with the holocaust:

Many thousands of people have made tremendous sacrifices through prayer, time and money in an effort to ensure that the holocaust of murder [sic] of the innocents by abortion will never reach our shores.
... [in the event of a Yes vote on the referendum] a fresh and fragrant breeze of hope and confidence will sweep away for ever the smell of corruption and death accompanying abortion and ... a new era of happiness will dawn for our beloved country. (*Irish Times*, Letters to the Editor, 29th August 1983, p.11)

Again, the national 'we' is addressed here, a nation characterised by its struggle against modern, industrial-scale murder. The nation's future, argues the letter-writer, depends on the success of what he called 'this glorious project', namely the anti-abortion campaign. The PLAC is characterised as the inheritor of the republican legacy. This distinctively 'modern' anti-modernism emphasizes resistance to corruption as a progressive project. As Strathern points out, evoking 'tradition' in opposition to modernity can only be done through a 'modern' agenda which makes society its project (1996:40-41).

What is at stake in this particular anti-abortion anti-feminist republicanism is the right-wing's narrative of nationhood, configured through a modernist discourse of national superiority over the colonial ruler. The national struggle for independence provides the justification not only for the establishment of the state and the conservative formation of its institutions and culture, but also for this latest campaign to bestow citizenship rights on 'the unborn'. When the nation's narrative is reassessed retrospectively, the referendum will have been discursively positioned so as to appear to be a necessary episode in the story of national liberation (Ricoeur 1981:276-7).

A key figure in this right-wing nationalist narrative is the vulnerable foetus, who is likened to the vulnerable nation, both apparently at risk from the 'modern' feminist and liberal-inspired anti-amendment campaign. The republican nation-state's survival is essentially at stake, in this view. That the foetus was generally characterised as male in popular representations, and as an independent entity from the woman whose body was actively producing and nourishing 'him',⁶ indicates a masculinised construction of the nation which necessarily depends on women's subordination through enforced maternity.

⁶This is typical of anti-abortion discourse internationally, as discussed in Chapter Two.

Thus, legal abortion was constructed as a deadly, and indeed colonial, threat to Irish values, the threshold beyond which the nation-state could not survive, in typical 'moral panic' terms. In this discourse, feminists advocating women's reproductive rights were constructed as having both an economic and a colonial interest in securing access to abortion for Irish women. They were characterized as an organized network aimed at undermining the norms of the state. The constitutional core of the state logically provided the site of conflict and resistance in this formulation.

Republican Democracy and Equal Citizenship

Those who provided competing definitions of what was at issue, the 'moral entrepreneurs', articulated their position mainly in relation to the primary flagging of republican democracy. It was through this theme that competing issues were raised, such as the effect the proposed amendment would have on women's rights; on freedom of speech and conscience; and even on the 'unity' characteristic of republican democracy. However, the failure of these competing definitions to deliver votes suggests the extreme difficulty of reframing the primary definition of the issues and defusing the emerging moral panic.

Republicanism

Our moral civil war, someone has called it. And given the bitterness, intimidation and division which the debate on the proposed constitutional amendment on abortion has generated, at virtually every level of our society, that seems a not inappropriate description. (*Irish Press*, Editorial, 29th August 1983, p.8)

The most prominent, and arguably most successful, reformulation of what was at stake was that articulated for example by the above editorial comment, namely that the abortion debate was destroying national unity, a value at the heart of republican democracy. The national 'we' is clearly evoked and addressed by the *Irish Press* in an authoritative and emotive style, in order to condemn what the newspaper sees as the unnecessary and harmfully divisive anti-abortion campaign. Abortion, to which 'the vast majority in both parts of this country are vigorously opposed' (*ibid.*) is characterised as a distraction from the important political issues of the day, particularly economic collapse and soaring unemployment.⁷ That divisive issues should be avoided in the interests of the 'common good' is an important element in republican politics (Whelan 1996:59-65). This particular oppositional definition found widespread expression amongst mainstream participants in the public debate, most notably by the Fine Gael Taoiseach, Garret FitzGerald, whose party is generally associated with peripheral 'liberal' and middle class interests.⁸ Also, the Minister for Defence, Michael Cooney, attempted to reassert a sense of national unity on the eve of the September referendum by calling for 'patriotism'. His address to a Fine Gael meeting was reported on the front page of the liberal *Irish Times*. As he argued, '[i]f there has been bitterness over the past few weeks, if divisions run deep, then those involved have a patriotic duty to forget their bitterness and to close in the divisions' (Walsh, Dick 1983 'Bigger role for Supreme Court says Taoiseach' 6th September, p.1). Thus opposition to the amendment campaign based on a republican concern for unity articulated a distinctly non-moral 'national' discourse, in contrast to the specifically moral nationhood in anti-abortion lobby discourse.

⁷Brown (1985:327) outlines the extent of the economic collapse at precisely the time of the PLAC, pointing out for example that unemployment rose by 77 per cent between 1979 and 1982, from an already 'dangerously high' figure. By December 1984 unemployment stood at 16.4 per cent of the labour force, and continued to rise thereafter.

⁸See for example the front page coverage of the debate in the *Irish Independent* 28th April 1983.

The latter were criticised from this perspective for producing the divisions which anti-amendment spokespeople were concerned to overcome, as the following letter indicates:

As an Irishman who believes firmly in democracy, I would like to express my utter disgust at the manner that this amendment campaign developed.

This unnecessary, ambiguous and totally confusing amendment wording did not come about as a result of popular demand, but rather because of clever opportunism on the part of a group of fanatics...

Let us hope the people of this country will not be intimidated and blackmailed in this fashion and vote a resounding no on September 7.

(Letters to the Editor, *Irish Press*, 29th August 1983, p.8)

Significantly, however, this letter was not written by a person of high standing; nor did it represent any activist group. It was the opinion of one reader, and did not substantially echo the concerns expressed across the news coverage as a whole. It may have been deemed worthy of printing for precisely these reasons, providing legitimacy for the press claim to provide a democratic forum for debate.

A major discourse employed by anti amendment campaigners, and reflected in the press as a distinctly 'national' concern, was that the proposal to recognise foetal rights would undermine the republican values at the heart of the Irish state due to its explicitly sectarian and consequently divisive agenda. The employment of the term 'sectarian' has strong resonances in the Irish republican tradition. What the use of that term implied in this context was that the proposed amendment, if passed, would result in a political situation, not unlike

that defended by unionists in the north, which would further hinder the prospect of reunification. The religious tolerance which the republican tradition advocates, as captured in the famous aspiration of the United Irishmen to unite 'Catholic, Protestant and Dissenter', would be undermined by a sectarian Constitution.⁹ Victor Griffin, Dean of St. Patrick's Cathedral in Dublin (Protestant Church of Ireland) was quoted on the front page of the *Irish Times*, commenting on the Dáil's acceptance of the wording for the proposed 'pro-life' constitutional amendment: '[o]ne would have to be naive indeed if one could not see that such a move was fraught with sectarian implications and would be seen as such by Protestant people in Northern Ireland' ('A bad day's work, says Dean Griffin' 28th April 1983, p.1).

The issue of sectarianism was intimately linked to the republican aspiration for national unity, both within the Republic and across the entire island. The *Irish Press* reported a statement made by Senator John Robb, himself elected as a representative of the north of Ireland, on the eve of the referendum:

Sen. Robb said that in Northern Ireland the passing of the amendment would be interpreted as "the southern version of majority rule, or even worse, of minority rule should the poll be low." It would result in the Constitution being a less unifying document that [sic] it was at present.

He called on "those who cherish the need to promote the Constitution as a unifying force to vote 'No'". ('North doctors say vote Yes' 6th September 1983, p.4)

⁹As a letter writer to the *Irish Times* commented: 'At issue is not abortion but whether Ireland becomes a sectarian Catholic State. Whether the State *is* Maynooth [Catholic seminary] and Maynooth *is* the State.' Philip Ryan, 29th August 1983, p.11.

The perceived role of the republican Constitution expressed here was that it should function to promote unity over diversity. It should not promote the views, particularly the religious views, of one group over another, but should deal only with principles on which all could agree. This (notably republican) desire to promote unity over diversity was threatened by the proposed amendment. As Senator Robb reportedly put it, the inevitable result of passing the referendum would be to reproduce in the south the 'majority rule' regime in power in the north at that time. Not only would this have a detrimental effect on northern perceptions of the south, but it would alienate minorities within the south. The republican ideal of national unity would inevitably suffer.

Although this position acknowledged division within the nation over abortion, as evidenced by the sectarian charge, it nevertheless demanded national unity, although not in religious terms. Explicit in the press reportage of this perspective was that opponents of the amendment who expressed it were nevertheless opposed to abortion, and would not like to see it legally available in Ireland. Thus, the charge that the proposed amendment was sectarian was prominent in the press coverage during 1983 primarily because it was articulated in a national idiom.

Democracy

An emphasis on democracy was latent in feminist interventions in the press coverage of the debate. In particular, the absence of any consideration of women by the primary framers of the debate, and indeed the often abusive attitude to women by those key figures, were implicitly criticised in democratic terms. For example, the *Irish Press* carried a report, on the eve of the September referendum, of a speech made by the Anti-Amendment Campaign (AAC) leader, Anne O'Donnell:

Speaking at the final press conference of the Anti-Amendment Campaign, Mr. [sic] O'Donnell said that a strong No vote would deter the "lunatic fringe" within the pro-amendment lobby from their stated intentions to attempt to close family planning clinics, take action against women seeking abortions in England and their attempts to make the IUD (coil), morning after pill and low-dose pill illegal. ('Group accept defeat but urge No vote' 6th September 1983, p.4)

Women's specific right to life was not explicitly at issue here. The focus was rather on the right to travel and to obtain contraception. This attempt to raise issues which concern women's citizenship rights was couched in practical terms, and only implicitly engaged with the issue of democracy. It did not call for any change in the law on abortion, again apparently accepting the primary assertion of popular anti-abortion feeling. However, the effects the amendment would have on women's rights were explicitly stressed, the implication being that women's rights to travel and to bodily integrity were basic rights accorded to citizens in democratic contexts. Nonetheless, the report was entitled 'Groups accept defeat...', indicating an editorial construction of the failure of this strategy to make any substantial impact on the 'popular' account of what was at issue.

The *Irish Press* carried a very short report on public criticism of a Bishop's comment on the issues involved in the 'pro-life' referendum, which also indicates the marginal press space given to feminist interventions in the debate.

The chairwoman of the Employment Equality Agency, Ms. Sylvia Meehan, yesterday criticised the Bishop of Clonfert, Dr. Cassidy, for repeating the "cheap and cruel slogan" that the most dangerous place to be is "in the mother's womb."

Ms. Meehan, who was chairing an Anti-Amendment Campaign meeting of concerned women in Dublin, hit out at the "cruelty, [v]ulgarly and total insensitivi[ty]" of the Bishop's statement, made during a radio interview yesterday. ('Bishop is criticised on "slogan"' 6th September 1983, p.4)

Although the failure of democracy effected by the exclusion of women from the primary framing of the issues involved wasn't explicitly raised in this report, the criticism it contains could only have significance in the light of the already established connection between abortion and republican democracy, specifically constructed in terms of the right of the 'people' to participate in the process of law-making. However, the brevity and marginality of this reported criticism of the Catholic Church, primary framers of the debate in 1983, indicates that democratic theme was not taken up by the newspaper as 'popular'.

McCarthyism

There was, said Mr. O'Connell, a "whiff of McCarthyism" about the campaign. This was designed to "contain people politically and neutralise them" so that when it came to dealing with other issues such as divorce their views would be dismissed. (Hogan, Tracey 1983 'Kelly stand "insulting to thousands"' *Irish Independent*, 6th September, p.5)

Some newspaper reports and letters pointed to the perception that those attempting to oppose the primary definition of what was at stake felt themselves to be subjects of a McCarthyist witch-hunt. The implication was that they were presumed to be plotting the destruction of Ireland and its way of life. For example, the above report contained comments from former Fine Gael

Senator Maurice O'Connell making this argument. Not only were those with competing moral enterprises unable to substantially reconfigure the hegemonic account of the significance of abortion in the press, they actually felt targeted by primary definers of the issue, and effectively silenced. The accusation of McCarthyism explicitly attempted to thematise the collaboration between the anti-abortion movement, the State, and the media, in producing a highly circumscribed debate which defined what could be said in the public debate, not least by producing a sense of 'panic', in such a way as to promote a popular sense of urgency to protect the nation, and the republic, from an apparently imminent abortion threat.

The definition of what counted as McCarthyism, however, depended on how far the primary account of the issues at stake was contested. For example, a comment from the Minister for Health and Social Welfare, Barry Desmond, was reported by the *Irish Independent*: '[h]e felt the accusation of McCarthyism was in some cases justified, because anti-Amendment people, who actually opposed abortion, were being accused of being pro-abortion' (Blackwell, Annette 1983 'Divisions within Govt. parties widen over Amendment' 29th August, p.9). What the Minister defined as 'McCarthyism', and what he objected to, was that the freedom to speak from an anti-amendment position was being restricted by false accusations that anti-amendment people were necessarily 'pro-abortion'. Thus, the Minister did not find it objectionable that freedom of speech may have been restricted in cases where speakers were actually 'pro-abortion', or favoured women's reproductive freedom. This indicates the hegemony of the anti-abortion construction of national identity and republican democracy. The obstacles to a 'popular' concern for women's reproductive rights in a national press which was actively engaged in producing a 'moral panic' about abortion access are demonstrated here.

Conclusion

The foregoing discussion has outlined the primary definition of the abortion debate evident in press coverage of the 1983 anti-abortion referendum campaign. The explicit framing of the debate in the press through a particular discourse of nationhood successfully marginalised competing constructions of the issues at stake, particularly any concern with the effect the amendment might have on women's rights. Furthermore, women were not specifically addressed through the press coverage as a group with a particular interest in the debate.

The hegemony of this anti-abortion discourse can be understood as an effect of the press's role in the production of a 'moral panic'. Abortion was constructed as the threshold beyond which Irish society could not survive, particularly by establishing an association between colonised nationhood and the image of the vulnerable male foetus; the anti-abortion campaign with the heroic republican tradition; and the anti-amendment campaign with the destruction and evil characteristic of modernity, particularly in the guise of feminism. The press played a distinctly political role in privileging anti-abortion discourse, positioning the latter as defender of the Catholic/Christian, familial, anti-eugenic nation at the heart of republican democracy. While the centrality of republicanism in the press coverage provided space for criticism of the proposed amendment as sectarian, this did not challenge the anti-abortion construction of the nation as morally unified, or as anti-abortion *per se*. The 'panic' effect of this hegemonic construction facilitated what was referred to as a 'McCarthyist' political climate, which silenced anti-amendment opposition, and specifically any concerns for women's citizenship to which the proposed amendment gave rise.

Thus, the press coverage indicates the proximity of the anti-abortion lobby to social and political power. The status of this lobby in providing the primary definition of what was at stake in abortion law facilitated a departure from the general press concern with 'balanced' reportage. In other words, the mass media's concern with demonstrating its position as a key element of a democratic society, particularly through reporting 'both sides' of a 'debate' was absent in the coverage of the 1983 campaign. Concerns about democracy were themselves defined by the anti-abortion lobby, in terms of the need to facilitate 'the people's will' on abortion. Thus, the press were not concerned with ensuring significant representation of the views of PLAC's opponents, since such views were already constructed, in the primary terms established by the anti-abortion lobby, as anathema to democracy.

Thus, the press coverage of the 1983 campaign illustrates the tensions upon which anti-abortion hegemony rested at that moment. On the one hand the campaign to recognise a foetal right to life was constructed in the press as essentially democratic, since it was reportedly concerned with ensuring official recognition of the people's sovereignty in matters of morality. However, on the other hand this apparently democratic campaign depended on an authoritarian view of the relationship between morality and the law, as well as of the apparently anti-abortion nation, specifically as it was constructed through discourses of gender and sexuality.

The impact of the X case on this anti-abortion national 'commonsense' will be considered in Chapter Four. The apparent stability of right-wing hegemony, constructed as a defence against modernity, in the form of feminism and liberalism, was ultimately undone through the impact of events in 1992, when

the tensions at the heart of the anti-abortion articulation of anti-colonial politics undermined, at least temporarily, that discursive hegemony.

CHAPTER FOUR

THE X CASE IN THE PRESS: A RUPTURED MORAL PANIC

Introduction

The previous chapter examined the ways in which an anti-abortion commonsense was produced in press coverage of the 1983 'pro-life' constitutional amendment campaign, primarily through the orchestration of a 'moral panic'. A failure to recognise foetal rights was constructed as threatening to the very survival of the nation, itself characterized as 'pro-life', traditionalist, familial, specifically Catholic and generally Christian. Republican democracy itself, defined in terms of popular sovereignty and the promotion of the 'common good', was judged to be at stake in the referendum. The specific configuration of traditional familial Irishness was, however, based on a number of contradictions. Firstly, national traditionalism was constructed through a distinctly 'modern' discourse which emphasized the 'civilizing' effects of Christianity. Secondly, the articulation of an anti-abortion republican democratic discourse insisted that 'the people' must be recognized as sovereign, while dissenting perspectives either on the value of the proposed constitutional amendment or on abortion access were actively restrained through the press.

This chapter will consider the ways the 1992 X case crisis ruptured the tensions upon which this anti-abortion national commonsense relied. The following discussion will also examine how a discourse of 'pro-life' nationhood was reproduced in the press coverage of that crisis. Finally, the effect of the X case on the classic moral panic trajectory will be assessed.

Coverage of the X Case and Abortion Politics

As outlined in the Introduction to this Part, five days of newspaper coverage provide the focus for discussion in this chapter. The temporal shifts in commonsense attitudes to abortion during the course of 1992 are significant, changing considerably from the intense coverage of February and March, to a reduced interest in May, and finally a dearth of attention by November. As this chapter will demonstrate, this decline in media coverage was connected to a gradual reconfiguration of abortion commonsense in the wake of the X case. The initial coverage of the case in February and March was overwhelming, and dominated the political landscape. Further events during May, notably the story that a man was attempting to obtain an injunction to prevent his pregnant ex-girlfriend from travelling to Britain for an abortion, reconstructed the moral-political issues at stake in national-popular terms. Press attention to the Bishop's statement during that month, advising the public on how to vote on the Maastricht Treaty, again saw the articulation of a reconfigured national abortion commonsense. By November 1992, when the three referendums on Constitutional amendments concerning abortion law were held, press coverage was minimal, suggesting depoliticization of abortion through the production of a new hegemonic national abortion discourse. The following discussion will trace thematic shifts in the reproduction of that discourse in relation to previously established anti-abortion hegemony.

Key Themes

Four major themes structured newspaper coverage of the X case and its aftermath. Firstly, press treatment of the extraordinary public reaction to the case, and the consequent shifting moral terrain of abortion politics, continued to be principally informed by the familial construction of the nation, emphasizing the inviolate nature of the national family. Secondly, the nation was constructed as 'compassionate', a theme which emerged in response to the

politicization of child rape and consequent pregnancy that the X case produced. Thirdly, the nation continued to be constructed as 'pro-life', although reconfigured in response to a new emphasis on the risk of suicide in girls and women experiencing crisis pregnancies. Finally, republican democracy was prominently thematized in the press coverage, in terms which placed new emphasis on pluralism, i.e., internal moral differences, together with a new concern with women's rights. The specific formulation of these themes through the press, and the political effect of this reformulation, will be discussed in what follows.

The X Case in the National Press: Popular Political Culture in Crisis

What audience, Whose Nation?

In contrast to the 1983 debate, explicit feminist discourse was not only evident in 1992, but often provided primary definitions of what was at stake, particularly during February and March, in direct commentary on the two court rulings published in that period. For the first time abortion was debated in terms of women's rights, as will be illustrated below. The primary definition of the X case and the issues it raised were not now provided by the 'pro-life' lobby, but rather by reproductive rights activists, women's organizations, opposition (left/liberal) politicians, as well as by artists and musicians,¹ all constructed in distinctly 'national' terms.² In a reversal of the 1983 situation, the 'pro-life' lobby engaged with, and to some extent began to co-opt, feminist

¹Newspapers reported, for example, on a roadside protest by actors, which attacked state patriarchy by staging a display of masculine authoritarian officialdom in contrast to pregnant women. State fascism was particularly suggested by the reported employment of 'German shepherd dogs' (see Battersby, Eileen 1992 'Protesters march on Dail' *Irish Times* 18th February p.7).

²Indeed, the *Irish Times* emphasised the presence of 'respectable' people on marches and rallies, such as elderly women and men (Battersby, Eileen 1992 'Protesters march on Dail' *Irish Times* 18th February p.7).

discourse. The impact that strategy had on popular anti-abortion commonsense will be considered in what follows.

Familial Nationhood and the State

The primary construction of the X case itself, and particularly the High Court injunction, was that the familial nation, in the form of X and her parents, had been violated by the State. A major consequence of this construction was a newly popular condemnation of the anti-abortion lobby.

State violation of the Family

The state has created a prison ... in which the family of the 14-year-old victim of alleged rape, together with the girl herself, have to suffer for being the entirely innocent victims of sexual violence of the worst kind. (*Irish Independent*, Editorial, 18th February 1992, p.10)

In the immediate aftermath of the High Court decision being published in February 1992, national press coverage of popular outrage focused on assertions that this was not what the people had intended when they ratified the Eighth Amendment in 1983. As various newspaper reports put it, the nation had not voted for a child's life to be ruined by enforced pregnancy. Not only had this happened, but parental faith in the State and its institutions had been damaged, as children and families themselves were now threatened with imprisonment. The previous hegemony of an anti-abortion discourse which relied on defining national identity in familial terms, and pregnant women in domestic maternal terms, was thus apparently thrown into confusion as that very lobby's success had resulted in the official violation of a law-abiding family.

The abuse suffered by X and her family at the hands of the State extended to the nation, described as 'the community at large'.³ For example, the *Irish Independent* reported the following statement from Michael McDowell, the chairman of the small centrist Progressive Democrats political party, in response to the injunction: 'I believe the court application was an unwarranted attack on the constitutional right, privacy and dignity of a wounded but innocent family and by extension on the community at large' (Dowling, Brian, 1992 'Outrage as court bans abortion for girl', 18th February, p.1, 9). This report regretted the damaging consequences the injunction would have for 'the girl and her family, all girls and women, men, our values, our self-respect, and our standing among civilized people'. Thus, Ireland's standing among civilized people was defined, as it had been during 1983, in terms of its familial ethos. The State's actions in the X case, however, had failed to respect that ethos, and had thereby turned the State and its people into 'monsters on the world stage', as the Campaign to Separate Church and State reportedly claimed (Dowling, Brian 1992 "'Nightmare scenario" warning in ruling fury' *Irish Independent* 18th February, p.9). The State had not only failed to protect vulnerable children and their families, it was actively prosecuting and criminalising them. As the *Irish Press* editorial asked, if the family concerned hadn't returned to Ireland on

³The emphasis on constructing the High Court injunction as an affront to a familial nation can be seen, for example, in the layout of the front page of the *Irish Press* on 18th February. The main front page report on the judgment was flanked on the left by a photograph of a smiling Kathleen Reynolds, wife of Taoiseach Albert Reynolds, and a short introduction to Albert's interview with *Hello!* magazine about his marriage, and his 'life and times'. On the left of the page was a photograph of a smiling nurse holding a three year old, and smelling a daffodil, which the child was giving her. The caption referred to Daffodil Day in aid of cancer sufferers. The report itself concentrated on a statement from opposition TD Nuala Fennell, who called, in a personal statement, for the amendment to be dropped, since this 'witch hunt' of young rape victims was not what the people had voted for. The comment also characterised the family concerned as law abiding. This combination of factors emphasizing marriage, children, family, and indeed 'pro-life' values, in the Daffodil Day reference, while reporting critically on the High Court injunction, suggests the particular set of national-familial commonsenses which were in play in the newspaper coverage of the case. The Taoiseach, leading the party this paper supported, was clearly distinct from the judiciary in the coverage (O'Reilly, Emily, and Muldoon, Paul 1992 'Abortion: Dail Moves: TDs plan queries on judgment' *Irish Press* 18th February, p.1).

learning of the injunction against them, would they have been imprisoned? (18th February 1992, p.8). The implication was that such a scenario was both possible and unjust.⁴

Central to this national-familial discourse was a particular construction of childhood, in the figure of X herself, as sexually innocent and consequently vulnerable. For example, the *Irish Times* reported the reaction of ADAPT, a Limerick Women's Support Group, whose spokeswoman insisted that X was not a girl, but was rather a child (Cummins, Mary 1992 'Women's Groups warn fewer will report rape' 18th February, p.7). Similarly, a letter writer argued that the State was now holding 'girl-children' prisoner, by a judicial action equivalent to a violent rape of the 'young girl and her family', as a result of 'Irish fundamentalism' (Dr. Geraldine Sheridan, *Irish Times* 18th February 1992, p13).

Following the Supreme Court's decision to lift the injunction on appeal, the question of State abuse of children remained prominent. For example, Emily O'Reilly, political journalist with the *Irish Press*, argued that:

Yesterday's judgment means that a young girl in a similar situation, but not deemed suicidal, would lawfully be enjoined from seeking an abortion abroad. In effect the State would be forcing that child to have a rapist's baby. ('One step forward and two steps back' 6th March 1992, p.6)

⁴A prominent slogan carried by the press was 'SPUC the State, SPUC the govt., SPUC off'. The word play here, which associates the State and the government with the anti-abortion right wing at the same time as attacking them, demonstrates the way the national press participated in the attack on the patriarchal state, while at the same time constructing the nation, in the person of X, as mistreated and abused by that state.

This draws quite a specific parallel between the State's action in violating the autonomy of the family, and the violence and effects of the rape itself.

The State and the Anti-Abortion Lobby

Press coverage of the apparent betrayal of the familial nation and its children through the actions of the State also focused on the anti-abortion lobby, who were condemned for their deceptive claims during 1983 that a constitutional recognition of a right to life for 'the unborn' would have no effect on abortion law as it had previously been administered.

The new unpopularity of anti-abortion groups was evidenced in the coverage of their reaction to the High Court injunction. SPUC, for example, reportedly claimed that X and her family were being exploited by the 'pro-abortion lobby', that they had been set up by the Gardaí and the Attorney General, in order to liberalize abortion law. The State, in other words, was portrayed as collaborating with what SPUC termed 'the referral trade', namely reproductive rights activists. The State should, in SPUC's view, criminalise that trade, rather than either criminalising 'the girls' who travel for abortions, or changing the law to provide for abortion access (Keena, Colm 1992 'SPUC slams "exploitation"' *Irish Press* 18th February, p.6). However, editorial resistance to this position was clearly indicated. In this particular example the article's headline placed the word 'exploitation' in inverted commas. The marginalisation of this claim was evident across the coverage at this point in time.⁵

Thus, the anti-abortion lobby's reliance on a nationhood discourse of traditional familism undermined its own legitimacy, as the effects of its campaigning

⁵For example, the *Irish Independent's* coverage of this claim by SPUC was minimal, placed in an article under the headline 'A disaster for women says UK help group'. Another article on the SPUC reaction was entitled 'SPUC chief "happy"', a construction which could be nothing but shocking in the context (*Irish Independent*, 18th February 1992, p.9).

ultimately led to an official violation of a particular national family. Not only had the State infringed parental authority over children, it appeared to have endorsed and reinforced the violence of the rapist in so doing. Ultimately, the discourse of familial nationhood championed by the anti-abortion lobby had produced popular pressure to allow for abortions in situations such as the X case.

National Compassion: Abortion and Sexual Innocence

The X case coverage highlighted the effects of sexual violence in terms which relied on constructing the nation as 'compassionate'. The State was pressurized to recognize this national compassion specifically in treating child victims of rape. The anti-abortion lobby's view that abortion is never justified, including in cases of rape or incest, was marginalised in the coverage. This opened up a debate on the treatment of rape victims in general. However, this new element in popular abortion discourse did not ultimately translate into a call for abortion access in Ireland, as the following discussion will illustrate.

Compassion for child rape victims

A major feature of the post-X case rupture in popular morality was that abortion in cases involving the rape of young girls, including cases of incest,⁶ was for the first time regarded as morally permissible in the national press. For example, the *Irish Independent*, referring to the X case as the 'child rape' case, argued as follows in its editorial:

Though it is easy to condemn, in blanket terms, abortion in every shape and form, there are clearly circumstances - one of which is

⁶Incest connoted rape of a child by an adult family member. The close connection between the X case and concerns about incest is suggested, for instance, by Edna O'Brien's (1996) fictionalized account of the X case, where she transformed it into a story of a 14 year old girl who was raped and made pregnant by her father.

before us all at the present time - when humanity, the health of the pregnant girl, possibly her sanity - are at stake, and where the inflexible terms of the amendment and its impact on the law and the judges in our courts are far from the intention of many of the 850,000 voters who supported the admirable but unexplored 'right to life' principle, which in practice has turned out to be a potential punishment of innocence. (18th February 1992, p.10)

The paper took the public/national voice in expressing its rejection of the previous anti-abortion commonsense. However, this rejection did not extend to justifying legal abortion *per se*, only legal abortion in exceptional circumstances, on compassionate grounds, implicitly those of 'child rape' and incest.⁷ The editorial referred to and agreed with the misgivings of the Protestant Churches on banning abortion in these exceptional circumstances. What was termed the 'vague and narrow moral fervour' of the 'pro-life' campaign was blamed for obscuring the serious issues relating to child rape and incest (*ibid.*).

The status of X as a child and consequently a sexually innocent victim of rape effectively disqualified her from the status of motherhood, which was usually central to the construction of pregnant women in the abortion debate.⁸ The

⁷As Mary Banotti reportedly said, special compassionate provisions should be made in situations of rape or incest (O'Reilly, Emily 1992 'Opposition in calls for Govt. Clarification' *Irish Press*, 18th February, p.6). Furthermore, the *Irish Press* editorial on abortion on 5th May 1992 called for legislative action in the following terms: 'So, the inexorable forces of logic are forcing us to face the abortion question squarely. We will need great courage - and God's kind guidance - to emerge with our decency and our compassion intact' (p.6). This suggests that abortion could be legalised in a decent, compassionate, and even religious way, not necessarily at odds with the nation's ethos. However, constructing the issue in these terms seems problematic as a political strategy, since it is not necessarily consonant with pluralist egalitarian principles.

⁸Although this was contested, for example, by the dissenting judgment of Justice Hederman in the Supreme Court decision on the X case appeal. He argued that 'The state must, in principle, act in accordance with the mother's duty to carry out the pregnancy and, in principle, must also outlaw termination of pregnancy' (*Irish Press* 'Hederman backs High

very description 'pregnant child' seemed a contradiction in terms, which only the termination of her pregnancy could resolve. The general tone of press reports focused on public outrage over the idea that the State was enforcing a raped girl/child to carry a pregnancy to term. Emily O'Reilly, writing in the *Irish Press* on the Supreme Court's decision, commented as follows:

The level of public anger stemmed both from the fact that a raped girl was being forced by the State to have the rapist's baby against her will, and from the fact that her freedom to travel to perform a lawful act in another jurisdiction was removed. ('One step forward and two steps back' 6th March 1992, p.6)

Although the popular 'commonsense' articulated by O'Reilly on the morality of abortion in cases of child rape was absent for the Supreme Court judgments, this absence did not provide the focus of newspaper attention, at least in the immediate aftermath of the decision. Rather, the tone of reportage was one of relief and admiration, as captured in the *Irish Times* editorial headline praising the judgments: 'Enlightened, Scrupulous, Humane, Noble' (6th March 1992, p.19).

Newspaper treatment of the X case involved a general concern over the situation of pregnant raped girls and women of any age, largely through reported concerns that the X case injunction presented a barrier to reporting rape, as girls and women fearing possible pregnancy would not now risk drawing official attention to their situation.⁹ For example, politicians such as

Court Order' 6th March 1992, p.5). However, this judgment was not quoted prominently in the press. For example, although this was the second judgment of the five to be delivered, the *Irish Press* reported it as though it were last, thereby marginalising its significance.

⁹ See for example, O'Reilly, Emily (1992) 'Opposition in calls for Govt Clarification' *Irish Press* 18th February, p.6.

Alan Shatter (Fine Gael TD) and Mary Banotti (MEP) were reportedly concerned over this, and argued that special provisions should be made to allow for abortion in situations of rape or incest.¹⁰ The Irish Family Planning Association also reportedly argued that rape victims should not be forced to remain pregnant, particularly when their lives were in danger. The State, they claimed, had a duty to protect rape victims, and should therefore remove deterrents on rape reporting (*Irish Press*, 'Decision "is inconsistent with concept of justice"' 18th February 1992, p.7). Indeed, an article covering feminist reaction in Britain referred to the British Pregnancy Advisory Service's warning that back street abortions would rise as a result of fear of reporting rape to the police (*Irish Independent*, 'A disaster for women says UK help group' 18th February 1992, p.9).

Rape, Pregnancy and the Right to Travel

Despite the new emphasis on the treatment accorded to rape victims, however, the coverage of abortion access during 1992 generally shifted focus towards the need to support pregnant rape victims by restoring the right to travel, rather than by providing abortion access within Ireland. For example, Des O'Malley, leader of the Progressive Democrats political party, was reportedly concerned about 'the right to travel of rape victims and others' following the Supreme Court judgment (Tynan, Maol Muire, 1992 'Implications need to be faced, say politicians' *Irish Times* 6th March, p.11).

This confusion in the national press over the direction abortion discourse should take, between allowing rape victims access abortion and reinstating the right to travel, can be seen in the *Irish Independent's* editorial on the Supreme Court's decision to lift the injunction: '[t]he Supreme Court yesterday set forth

¹⁰See also Shatter, Alan (1992) 'Difficult issues still remain to be resolved' *Irish Times*, 6th March, p.13.

their reasons for deciding that a young victim of rape, who had become pregnant, should be permitted to travel to Britain to have an abortion' (6th March 1992, p.12). The editorial priority given here to the 'pregnant victim of rape' aspect wrongly implies that this provided the basis for the court's decision, i.e., that X's right to travel had been vindicated because she had been raped. The significance of this inflection contrasts with the legal justification itself, which was limited solely to the argument that her right to life was threatened by the pregnancy, since she was suicidal. The editorial continues, '[t]hat [lifting the injunction] was widely anticipated and it is welcome'. The distinctly instructive tone here is significant, as the newspaper appears to actively construct a new abortion commonsense, based on the idea that child-rape victims should be able to avail themselves of abortions, by restoring their right to travel.

There were reported criticisms of this implication that the uncertainty over abortion morality produced by the X case should be resolved by reinstating the right to travel, rather than by allowing for legal abortion in Ireland. For example, the academic lawyer Conor Gearty, in an article in the *Irish Times*, outlined the range of options. Either the State could introduce some form of legal abortion, he argued, or, '[w]e can continue to live in a fairyland of moral righteousness, relying like moral parasites on English sin to get us off the hook when the hard cases come along' ('Ruling means our Victorian legislation on abortion could prove unconstitutional' 6th March 1992, p.18). The 'hard cases'¹¹ he refers to implicitly include the X case.¹² However, this position was marginally covered by the national press.

¹¹The phrase 'hard cases make bad law' was a major slogan of the 1983 anti-abortion campaign.

¹²A letter published by the *Irish Times* on 6th March 1992, following the Supreme Court ruling, also took this line, although from the perspective of the English nation addressing the Irish nation, in order to request that Ireland deal with its own moral issues. As the writer put it: 'It is with sorrow that I write to Ireland ... Please, we have to live with our own grief and

The right to travel in order to obtain an abortion was not, however, to be confined to pregnant victims of rape. For example, the reports in May 1992 that a man was attempting to injunct a former girlfriend from travelling to Britain for an abortion, a case unconnected to rape, suggested that the right to travel had by this stage become disconnected from the need to provide a 'compassionate' response to rape. There was little public outrage over this case, and the government was reluctant to become involved, arguing initially that this was a private matter. The case involved a conflict between a woman's right to travel and a foetal right to life. The primary definition of the issues involved was again provided by feminists and liberals. The *Irish Press* reported the plea from the Well Woman Centre for women with a crisis pregnancy to seek professional counselling (English, Bernie 1992 "'It was bound to happen" says McDowell' 5th May, p.4). This appeal was made without any reference to rape. For example, the *Irish Press* editorial argued, '[i]f ... the view prevails that termination should be allowed in certain cases, then we must face up to that too' (5th May 1992, p.6). The growing legitimacy of reproductive rights discourse can be seen in this consideration of the right to travel independently from the treatment of pregnant rape victims.¹³

Reformulation of the Anti-Abortion Position in the Press

A major moment of media interest in conservative anti-abortion discourse in the wake of the X case came when the Bishops issued a statement on the moral issues involved in voting in the Maastricht referendum. While it appeared that the Bishops had again become primary definers of the issues at stake in abortion law, their statement was reported in terms of the disrupted moral

compromise. It is wrong for us to import more ... Ireland must go through the pain of working out its own solution, just as we had to' (J. Ansell, Northampton, England, Letters to the Editor, p.19).

¹³The injunction was not pursued by the man in question.

climate. Press coverage emphasized the Bishop's recognition of the distinction between law and morality, a distinction which the Bishop's statement itself actually limited by stressing the impact the law generally has on public morality.¹⁴ However, the press interpreted the statement as ultimately recommending that individuals must follow their consciences in casting their votes, rather than rely on the Bishops for direction. While the press constructed the statement as implying that abortion law was morally complex, and that voters should follow their consciences on it, in fact the statement condemned the idea of legally available abortion, including in circumstances of rape. However, the Bishops couched this condemnation in apparently feminist terms: '[t]o end this life [conceived through rape] by abortion is a further violation of the woman's body and may only increase her distress' (*Irish Independent* "'The abortion dilemma'" 27th May 1992, p.13). This relied on a contradictory logic, which on the one hand emphasized the embodied context of pregnancy in claiming that abortion constitutes a violation of women in a way comparable to rape, while on the other, asserted the right to life of the foetus by implicitly relying on a characterization of 'the unborn' as independent of the pregnant woman's body. As the Bishops insisted, '[h]uman life is at its most defenseless in the womb, and has a right to receive the protection of the law' (*ibid.*). Thus, the contradiction, while indicating a degree of vulnerability to feminist discourse, was employed precisely in order to reassert a misogynist agenda.

Press coverage of this statement took a distinctly critical tone, including from feminist perspectives. Indeed, the seriousness of the Bishop's call for a new

¹⁴As the statement put it: 'Many actions which are immoral are not prohibited by the State, because attempts to prohibit them could lead to an unacceptable infringement of the personal liberty of citizens in a free society, and could bring the law into disrepute. Nevertheless, the law has a clear influence on moral judgments and a change in the law can lead to a change in moral attitudes. The question for legislators and, in the case of the Constitution, for voters, is how to frame legislation which does not weaken the principle of respect for unborn human life' (*Irish Independent* "'The abortion dilemma": Bishops call for a new pro-life amendment' 27th May 1992, p.13).

amendment was questioned by the newspapers themselves.¹⁵ Other than welcoming the Bishop's apparent recognition that they should not dictate to the electorate in matters concerning the law, the coverage was on the whole critical. For example, the *Irish Press* quoted Proinsias de Rossa, TD, (Democratic Left), who argued that the Bishops had learned nothing from the X case, pointing out that a new amendment would result in teenage rape victims being further humiliated and degraded by being dragged before the courts. As he put it:

The Bishops would once again appear to be out of touch with the thinking of the Irish people, a number of recent opinion polls have shown substantial majorities in favour of the legalization of abortion in certain circumstances. (Carey, Mairéad 1992 'Resist pressure, says TD' 27th May, p.5)

This characterizes the general treatment the statement received, apart from a political relief that, as the *Irish Independent* put it, 'They didn't say Yes ... but they didn't say No' (Downey, James, 27th May 1992, p.13).

Thus, it would seem that the circumstances and coverage of the X case highlighted the complexity of abortion decisions, by underlining the situation of pregnant rape victims. On the one hand, this produced a demand for official recognition of national compassion when dealing with rape victims, which sometimes led to demands for legal abortion in Ireland, particularly in cases of impossible motherhood, as in the 'child rape' scenario provided by the X case. However, on the other hand, the pressure for access to abortion for rape victims shifted towards pressure for the restoration of women's right to travel.

¹⁵See for example the *Irish Independent's* editorial, 'The Bishops', 27th May 1992, p.14.

This significantly confused the direction popular abortion discourse might have otherwise taken following the X case. The right to travel would effectively provide access to abortion for rape victims, as well as women in general with crisis pregnancies. However, the concentration on the issue of rape did provide legitimization for a broader emphasis on women's rights, as can be seen, for example, in the press attention given to statements from women's organizations, as well as in the coverage of the Bishop's inconsistent attempt to appropriate feminist discourse for anti-feminist objectives. This would suggest that there was a distinct shift towards consideration of women's rights in commonsense opinion on abortion law.

The 'Pro-Life' Nation: Anti-Abortion-on-Demand

Press coverage of the X case continued to rely on a construction of the nation as 'pro-life', although in less absolutist terms than had characterized 1983 abortion politics. Specifically, the issue of suicide, although not initially central to the press coverage of popular outrage over the X case, became increasingly so following the Supreme Court's decision that her pregnancy constituted a threat to X's right to life, due to causing a risk of self-destruction.

The Supreme Court argued that if a threat of suicide was deemed 'real and substantial', that would be sufficient for the State to vindicate the right to life of the 'mother'. The response from feminists and 'pro-choice' liberals was generally described in the press as a 'cautious welcome', as the possible clash of rights between a pregnant woman and a foetus was newly emphasised.¹⁶ For example, the *Irish Independent* printed the phrase 'There is a necessity to apply a priority of rights' at the foot of the page carrying the judgment texts (6th March 1992, p.8). However, the limit imposed by the judgment, which allowed for legal

¹⁶See for example, Siggins, Lorna (1992) 'Anti-amendment groups react positively' *Irish Times* 6th March, p.12.

abortion only where there was a threat to a woman's life, was reported in the press as too restrictive. As Emily O'Reilly, for example, pointed out, non-suicidal pregnant women could not obtain abortions under the ruling, arguing that women would now be increasingly secretive about travelling for abortions ('One step forward and two steps back' *Irish Press*, 6th March 1992, p.6). National newspapers carried renewed calls for the Eighth Amendment to be repealed, since it would hamper efforts to legislate for legal abortion in cases of rape or incest (e.g. Downey, James 1992 'Govt. now must face up squarely to crisis' *Irish Independent* 6th March, p.13).

The more widely reported response, however, from an anti-abortion perspective, was one of alarm at the possibility that pregnancies might be terminated for suicidal women. The press emphasized the major claim that the Supreme Court had opened the way for 'abortion on demand'.¹⁷ The anti-abortion lobby insisted that women could fraudulently and successfully claim to be suicidal, given that the evidence would have to be judged by psychiatrists, not regarded, in this view, as properly scientific. As Bernadette Bonar of the Responsible Society reportedly argued, 'anyone can be raped or suicidal' (Yeates, Padraig 1992 'Opponents claim decision "legalises" abortion' *Irish Times* 6th March, p.12).¹⁸ Secondly, the anti-abortion lobby asserted that if a woman was genuinely suicidal, she could be protected from herself. For example, the *Irish Press* reported Bernadette Bonar's claim that 'a girl ... [is] six times more likely to commit suicide after an abortion than if she gives birth' ('Decision Dismays Pro-Life Groups' 6th March 1992, p.7).

¹⁷See the reported response from Billy Quirke, president of SPUC during the 1983 referendum campaign, that the judges had 'invented an excuse for abortion on demand in Ireland' (*Irish Press* 'Decision dismisses pro-life groups' 6th March 1992, p.7).

¹⁸William Binchy, also making this assertion, said that the judgment could be used to obtain abortion on demand by any woman who 'makes a credible threat of suicide'. As he put it: 'Is there any way of legally controlling the exercise of judgment, medical or otherwise, as to the sincerity and seriousness of a threat of suicide?' ('New abortion regime "has no effective limits"' *Irish Times* 6th March 1992, p.13)

The absence of time limits on when a legal abortion could be performed on a suicidal woman provided a major support for the anti-abortion argument that Ireland now had an 'abortion on demand' regime, thanks to the Supreme Court judgment in the X case. For example, anti-abortion spokesman William Binchy, writing in the *Irish Times*, argued that Irish abortion law was now worse than that in operation in England, where there were time limits, and where two medical doctors had to be consulted on each particular case: '[w]e all know that England's abortion law amounts in practice to abortion on demand, but even in England there is a legal requirement that the authorisation be given by medically qualified people' ('New abortion regime "has no effective limits"' 6th March 1992, p.13). Thus Ireland now had legal abortion on demand, without even the formal restrictions in operation in England.

This latter anti-abortion interpretation of the Supreme Court's decision was reproduced by national press. For example, the *Irish Times* editorial on the decision underlined the papers discomfort in this respect:

... it seems probable that, if the courts were presented with another case today in which there was evidence of suicidal desires on the part of an expectant mother at eight-and-a-half months, she too would have to be given clearance to have an abortion. (6th March 1992, p.19)

The implication, although not explicitly stated, is that the judgment was unacceptably broad, and should be restricted.¹⁹ An article in the *Irish*

¹⁹Journalist Bruce Arnold, writing in the *Irish Independent*, also expressed this view, arguing that: 'This is probably the most difficult implication of all in the judgment. Ireland now has a more flexible abortion ruling than any other European country, with virtually uncontrolled parameters in the period during which abortions, if agreed, can be carried out'

Independent concurred, in referring to the response from the Church of Ireland Bishop of Meath and Kildare, Dr. Walton Empey: '[i]t would seem to allow abortion right up to the last weeks of pregnancy if a person [sic] was suicidal and he described that as a "horror" which would "open up an appalling vista"' (Collins, Geraldine 1992 'Bishops "need time to reflect"' 6th March, p.13). This was the opinion from the Church whose criticism of the Eighth Amendment had been central to the 1983 Anti-Amendment Campaign, providing evidence of the amendment's sectarian basis. It would seem that this anti-abortion response relied on the residual effects of the previously orchestrated moral panic, although modified through a reconfiguration of Irishness as anti-abortion-on-demand, rather than simply as anti-abortion. Thus, anti-abortion discourse recovered some legitimacy as a primary definition of what was at stake following the Supreme Court judgment.

This claim that the Supreme Court judgment had effectively introduced 'abortion-on-demand' contrary to popular morality informed the *Irish Press's* position in the three November referendums on the rights to travel; to obtain abortion information; and what was euphemistically referred to as 'the substantive issue', namely the right to obtain an abortion. The latter proposal was more restrictive than the Supreme Court's X case judgment, allowing for abortion only in cases where the life of the 'mother' was threatened, excluding a risk from suicide. The *Irish Press* urged a 'yes' vote on this amendment, arguing that inclusion of suicide would allow for 'abortion on demand':

Abortion in any but acceptable cases is abhorrent to most Irish people, yet the Constitution as interpreted by the Supreme Court provides for abortion on potentially wide grounds, including the threat of suicide.

('The last judgment of Solomon' 6th March 1992, p.12). He called on politicians to introduce restrictive legislation.

The proposed "right to life" amendment seeks to exclude threatened suicide ... abortion must not become a publicly acceptable option.
(Editorial, 25th November 1992, p.8)

The 'acceptable cases' then would not include the X case, since the pregnancy in that case did not pose a risk to the life of X other than through a risk of suicide.

The unease evident in the press coverage with what was seen as an overly permissive interpretation of the Eighth Amendment was clearly articulated in terms of a distinctly national 'pro-life' anti-abortion-on-demand ethos. Thus, the anti-abortion lobby's articulation of familial 'pro-life' nationhood in terms of a discourse of subordinate and obedient motherhood, together with their construction of women as dishonest and morally erratic, likely to seek abortions on false grounds very late in pregnancy, had become commonsensical during 1992, in the run-up to the November referendums.

Republican Democracy: National Sovereignty, Civil Rights, and Pluralism

Republican democracy was again a key theme of press coverage of the X case and its aftermath, as it had been in 1983. However, the specific articulation of this theme differed significantly from its earlier formulation, which had emphasized the anti-abortion nation at the heart of the democratic Republic, based on a total exclusion of any consideration of women's rights.

In response to the X case, the people's sovereignty was again politicized, as press coverage indicated that the Supreme Court's decision resulted from a legislative failure to interpret 'the people's' specific intentions in ratifying the 'pro-life' amendment in 1983. Secondly, in contrast with 1983, the X case had underlined how rights generally associated with democratic citizenship, notably

travel, information, and bodily integrity, had been denied to women, thereby throwing Ireland's democratic status into question. Thirdly, again undermining the 1983 construction, secular pluralism was emphasized in the press as essential to democracy.

National Sovereignty

The initial press coverage of the X case constructed the High Court injunction as contrary to the people's wishes in 1983, as discussed above. The anti-abortion lobby argued that the judiciary had appropriated the people's constitutional sovereignty, by failing to defend the right to life of the 'unborn'.²⁰ However, this view was marginalised in the coverage of the Supreme Court's judgment, which was defined rather by a tone of national relief. Popular anger was directed through the press not at the judiciary, but at the legislature, who had failed, the coverage emphasised, in their democratic duty to provide legislation which would have enabled the judiciary to better interpret the intended meaning of the 'pro-life' Eighth Amendment. Despite reports of the 'democratic' concerns of the anti-abortion lobby consistent with their 1983 position,²¹ the people's sovereignty was not at issue in the press coverage of the decision to allow X to leave the country in order to terminate her pregnancy. However, the coverage did focus on the judicial assertion that elected politicians had failed to carry out their duty, as the representatives of the people. Justice Niall McCarthy, whose comments were prominently reported, had emphasized this in his Supreme Court judgment, arguing that the legislative

²⁰For example, Senator Des Hanafin was reported as stating that: 'the people of Ireland should be asked whether they accept this virtual usurpation of the constitutional supremacy of the people' (O'Reilly, Emily 1992 'Abortion now legal: landmark decision sets major problem for the Government' *Irish Press* 6th March, p.1).

²¹For example, Billy Quirke, ex-president of SPUC, made a statement reported in the *Irish Times*, claiming that the decision 'flies in the face of a democratic decision taken nine years ago' (Yeates, Padraig 1992 'Opponents claim decision "legalises" abortion' 6th March, p.12).

failure had 'added significantly to the entire problem'.²² The *Irish Press's* editorial response called the judgment 'a timely chastisement of the legislature for its flight from responsibility in the past' (6th March 1992, p.8).

However, by November, when the three referendums were due to be held on the rights to travel, information, and abortion, the anti-abortion lobby's assertion that popular sovereignty was at stake had gained a degree of prominence in the press. For example, on the day of the three referendums the *Irish Press* carried a report on the views of women connected to prominent anti-abortion activists. The daughter of Dr. Joe McCarroll, secretary of the right-wing organization Family Solidarity, was interviewed, and claimed that '[if] we could just get a clear wording that people could vote for or against, then we could see what the people really want' (O'Hara, Sarah 1992 'Abortion: AG's wife speaks out' 25th November, p.10). This position depended on ignoring the complexity of the X case itself, together with accepting the assertion that the judgment had introduced abortion on demand. In other words, the claim that the people's sovereignty had been eroded was employed as a means of attempting to overturn the popularity of the Supreme Court's judgment.

Women's Citizenship

The implications of Mr. Justice Costello's judgment ... may be little short of catastrophic for the health and safety of Irish women, for the very concept of individual bodily rights, for the role of the State as a

²²For example, the *Irish Times* carried Martyn Turner's cartoon representation of the judgment on its front page, depicting a judge depositing a baby on the step of a door marked 'Dáil Éireann'. See also Kiely, Niall (1992) 'Five wigged men, solemn as sin in black robes' *Irish Times* 6th March, p.1.

protective and benign organism. (*Irish Times* Editorial, 18th February 1992, p.13)

Explicit concern for women's rights was reported in the coverage of the High Court injunction, as the above editorial statement indicates.²³ Indeed, feminist statements were explicitly reported. For example, the *Irish Independent* reported on the response from Ailbhe Smyth, representative of Attic Press, a feminist publishing house, who called on the government to 'respond with humanity and urgency to restore women's rights and civil liberties' (Dowling, Brian, 1992 "'Nightmare scenario" warning in ruling fury' 18th February, p.9). The *Irish Independent* reported on the Dublin Well Woman Centre's reaction to the Supreme Court decision, arguing that it represented an initial confirmation of women's rights, and that they hoped it was 'a prelude to realistic debate on the issues relating to crisis pregnancies' ('Women leaders qualify welcome' 6th March 1992, p.14). Mainstream politicians were also reportedly employing feminist language in their reactions. For example, Alan Dukes, former leader of Fine Gael, referred to the injunction as 'this deadly piece of misogyny' (Kennedy, Geraldine 1992 'Opposition TDs to seek debate on judgment' *Irish Times* 18th February, p.7).

Responses to the publication of the Bishop's statement on Maastricht were also constructed in the press in terms of feminist reproductive rights discourse, as already mentioned. For example, the Repeal the Eighth Amendment Campaign (REAC) reportedly argued that the Bishops had disregarded the life and rights of pregnant women in Ireland (O'Regan, Eilish 1992 'Bishops accused of

²³The *Irish Independent's* editorial made a similar statement of concern for the effects of women, although not expressly using the language of rights: '... the over-riding consideration can no longer be a theoretical interpretation of the sanctity of life when women are being submitted to terrible moral constraints over their most fundamental needs' ('Tragedy of our times' 18th February 1992, p.10). The *Irish Press's* response was more concerned with the rights of families (18th February 1992, p.8).

"disregard for women" *Irish Independent* 27th May, p.12).²⁴ Furthermore, the proposed wording on the Twelfth Amendment, on the 'substantive issue' of the right to abortion, was also criticised in the press from the perspective of women's rights. As the Irish Council for Civil Liberties argued, the proposal should be rejected, since it would 'roll back the advances of the X case and was deeply flawed from a human rights point of view'. They called for a complete overhaul of Article 40 of the Constitution, in order to provide explicit protection for women's right to reproductive 'choice', as they put it, and to guarantee against discrimination on grounds of gender, sexual orientation, or any other prejudice (Lavery, Don 1992 'Abortion view 'foisted on all', *Irish Independent* 25th November, p.15). The *Irish Times* editorial on the day of the referendum called for the electorate to vote with women's rights in mind: '... it is in the best interests of women that everyone who feels deeply about this imprecise amendment should turn out [to vote]' (Editorial, 25th November 1992, p.15). Whether or not the paper was implicitly urging people to reject the amendment is unclear, although the emphasis on women's rights suggests that it was.

The particular rights which were emphasised in the reporting were those of bodily integrity, travel and information. Women's right to bodily integrity informed the focus on the possible implications of the High Court injunction, as reports raised the possibility that women could now face physical examination at air and sea ports, as they tried to leave the country.²⁵ The implication was

²⁴Feminist opposition to the Maastricht Treaty was prominently reported. For example, the *Irish Independent* reported that Ruth Riddick, a leading pro-choice campaigner, advised a No vote in the Maastricht referendum, because the Protocol restricted women's rights (Lavery, Don 1992 'Andrews confident on EC role' 5th May, p.11).

²⁵ See for example the *Irish Press* report 'Decision "is inconsistent with concept of justice"' 18th February 1992, p.7, which quotes Maxine Brady, President of the Union of Students in Ireland, making this comment.

that women now embodied the moral-legal boundary of the nation-state, an unacceptable situation from the perspective of democratic citizenship.

The second focus of attention in the denial of women's right to bodily integrity was on the State's treatment of rape victims. As already mentioned, the X case coverage focused on the claim that the injunction presented a serious barrier to rape reporting. Indeed, there was a suggestion in an *Irish Times* report that the Gardai were moving very slowly in investigating the X case rape (Kiely, Niall, and Cusack, Jim 1992 'Garda file on alleged rape incomplete', 18th February, p.7). Not only would the State's actions serve to deter women from reporting rape, the report implied, the State would also not investigate alleged rapes with any enthusiasm, not even in very high profile cases such as the X case, in which it had already taken a strong interest.

Press coverage also focused on women's right to receive information and to travel. An *Irish Independent* report, for instance, referred to a demonstration outside the Dáil where protesters chanted a banned abortion information telephone number, which was also reportedly printed on banners (Moloney, Eugene 1992 'Rally chants banned number' 18th February, p.9). Coverage of women's right to travel repeatedly drew an analogy with internment, as in the following *Irish Times* editorial comment:

But if it emerges that pregnant women who wish to travel abroad for abortion may be effectively interned in the State and if the Maastricht protocol has the effect of blocking off an appeal to Europe in this regard, it is certain that a great many people who would otherwise support the process of European integration will instead vote against it in the coming referendum. (6th March 1992, p.19)

The parallel with internment implied that the Irish State had, implicitly, become indistinguishable from the British State, whose policy of internment without trial for the nationalist population in the north of Ireland only led to an intensification of violence, not least since it violated the democratic principle of respect for human rights.²⁶ Internment was introduced by the Stormont administration at 4 a.m. on 9th August 1971, in a terrifying and random raid, the effects of which not only hugely increased support for the IRA in the Republic and in the United States, but also within the north itself, and recruitment increased dramatically in consequence. Interns were tortured by the British Army, and Britain was later found guilty of 'inhuman and degrading' treatment of prisoners by the European Court of Human Rights, in a case brought by Ireland. Rather than abating, violence actually escalated significantly in response to internment, and the British state finally dissolved the Stormont administration and introduced direct rule in 1972 (Lee 1989:437-439).

Employing the idea of internment captured the unpopularity of the injunction against X by drawing on republican and democratic concern with civil rights and justice.²⁷ It also effectively reversed the construction of Ireland as 'pro-life' in contrast to Britain, since now the anti-abortion lobby were equated with

²⁶Internment had also been practiced by the Irish state in its formative period in the early 1920s, against republican activists whose refusal to accept the dominion status of the Irish Free State, established following the war of independence with Britain, resulted in civil war. However, internment more readily evokes the British practice in the north of Ireland, a more recent episode, and more easily connected to injustice, in the colonial context, than the Free State policy. For example, the British internment policy is commemorated annually in republican areas of the north by the banging of bin lids, since this was the method used by women at the time to warn men that British soldiers were approaching.

²⁷Internment was also evoked, for instance, by New Agenda MEP Des Geraghty, who reportedly tabled a resolution seeking to withdraw the Protocol from the Maastricht Treaty. He was quoted in the *Irish Independent*: 'Any of the other thousands of Irish women who go to England for terminations could find themselves the subject of an "internment order" despite the belief that the EC Treaties provided them with the right to move freely between Member States' (Downing, John, and O'Reagan, Eilish 1992 'Court's ruling has serious implications for EC Treaty' *Irish Independent* 6th March, p.14).

'anti-life' policy, whereas British abortion law provided an opportunity to vindicate X's right to life.

Equality and Secular Pluralism

The third aspect of press thematization of republican democracy was a newly popular emphasis on secular pluralism, a major shift from the 1983 emphasis on national moral unity. For example, the *Irish Press* editorial, entitled 'Pluralism', in response to the Bishops' Maastricht statement, characterized the role of the legislature as follows: '[t]heir job is to legislate, not for the teaching of a particular Church, but for all the people of this State, people of all religions and none' (27th May 1992, p.8).

A strong argument in favour of an impartial law on abortion was made by Fintan O'Toole, a well-known left-wing journalist, in an article published on referendum day in the *Irish Times*, arguing that the issue at stake was not whether abortion in certain circumstances could be morally acceptable, but rather, 'who has the right to decide on abortion in certain circumstances?' As he argued:

... if we give other people the right to make decisions that will shape our lives, why do we not give them the right to make decisions that will shape their own? If we are humble enough to accept democracy, why not have the moral humility to accept that there are choices which other people have to make for themselves ... The right to travel and the right to know are aspects of the moral and political sovereignty of the individual in a democracy. And that sovereignty, for Irish women, is defined much more by Article 40.3.3 than it is by Articles 2 and 3. ('Today is the day that Ireland must grow up' 25th November 1992, p.14)

O'Toole linked national independence and sovereignty with women's independence and citizenship, implying not only that women's citizenship was defined more by the Eighth Amendment than by the controversial republican claim over the island as a whole as the 'national territory' contained in Articles 2 and 3 of the Constitution,²⁸ but also, in consequence, that the nation's position as an independent republic could be measured in terms of whether women had full citizenship rights, rather than in terms of territorial unity.

The implications of the press treatment of abortion, through thematising republican democracy in these ways, indicates the disarray in the previously constructed national anti-abortion commonsense.²⁹ Could the press now be characterised as assisting in democratic control over the exercise of political power, thereby producing a more open and accountable political culture? The media's tendency to produce consensus, and the evidence that the press was engaged in reconstructing a national anti-abortion-on-demand discourse, would seem to limit the press's potential in this direction. However, emergent national abortion discourse was characterised by a new emphasis on women's rights, political pluralism and legal impartiality. The tension here provided the space to articulate the arguments expressed, for example, by O'Toole, discussed above.

²⁸Prior to popular ratification of an amendment to these Articles as part of the peace process, they stated the following:

Article 2: 'The national territory consists of the whole island of Ireland, its islands and the territorial seas.'

Article 3: 'Pending the re-integration of the national territory, and without prejudice to the right of Parliament and Government established by the Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application as the laws of Saorstát Éireann and the like extra-territorial effect.'

²⁹See Hug for a description of the way Albert Reynolds, Taoiseach at the time of the X case, distanced the government from the anti-abortion lobby. The President of the High Court, Rory O'Hanlon, was dismissed from his position as President of the Law Reform Commission for making political statements on abortion law, and Senator Des Hanafin was expelled from the Fianna Fáil parliamentary party for breaking party discipline over the Maastricht Treaty, because of his anti-abortion views (1999: 176).

The media's participation in what was referred to as McCarthyism during 1983 appeared to be at an end. Indeed, it seemed that, in the confusion over abortion commonsense that dominated Irish political culture during 1992, the media became, at least to a greater extent than before, defenders of democratic pluralism.

Conclusion

This chapter has outlined how anti-abortion hegemony, established in 1983 through a moral panic linking a ban on abortion with national survival, was destabilised in the popular reaction to the X case. The contradictions at work in that construction undermined the legitimacy of the anti-abortion lobby; the hegemonic discourse of nationhood which that lobby had relied on; and the legal regime that had consequently been established during the 1980s. Ireland could no longer be simply portrayed as a distinctively traditional, familial, and Catholic/Christian nation on the one hand, and a modern democracy on the other. The shock-waves of the X case resulted in feminist reproductive rights discourse gaining some definitional standing in the national press for the first time, as the 'pro-life' familial nation was now depicted as threatened by a repressive state, under the influence of the anti-abortion lobby. The State's actions against X and her parents were reported in terms akin to those of the rapist in the case.

The hegemonic construction of nationhood in anti-abortion familial terms during the coverage of the 1983 campaign, specifically relying on a gendered and sexualized discourse of maternal subordination, was significantly reconfigured through the coverage of the X case and its aftermath. As this chapter has indicated, the intense criticism of the State evident in the press focused particularly on the perception of official violation of familial autonomy,

a key national value. This shifted the locus of control over pregnancy and abortion from the State, under the influence of the anti-abortion lobby, to the 'traditional' family, an ironic outcome, given the status of that family in right-wing discourse. Although this was not a shift towards official recognition of women's moral agency, and did not significantly reconfigure the construction of nationhood in 'traditional' familial terms, it did provide some significant latitude wherein the possibility that reproductive decisions might now be made by women emerged.

This explicit criticism of the State's actions in the X case also politicized the connection between the State and the anti-abortion lobby. Thus, the press's relationship with the anti-abortion nation-state was also problematized, although in neither explicit nor unambiguous terms, given the construction of nationhood as anti-abortion-on-demand. This repositioned the relative positions of both anti-abortion and reproductive rights lobbies in popular political culture, an effect which will be discussed in more detail in Part Three, as well as the relationship between the national media, the anti-abortion lobby, and the State.

The coverage of abortion politics during 1992, in contrast with that of the 1983 campaign discussed in Chapter Three, illustrates the emergence of a debate following the X case, as a more complex and morally contingent set of positions were reported. The 'primary definition' of the X case and its impact were now in question in the press, as they had not been during 1983. Thus, anti-abortion moral absolutism no longer held the status of a national commonsense, as the tension between popular concerns with democratic politics on the one hand and authoritarian morality on the other were exposed. While this new morally contingent popular political context may not have translated into providing abortion access within Ireland for girls and women, it

did democratize the political debate to a significant degree, allowing for the articulation of reproductive rights positions within the terms of familial nationhood in ways previously not possible.

Despite the national press's role in facilitating what can be described as a 'moral panic' in 1983, the coverage of the X case, and its subsequent legal-political effects, were not reported in terms which problematized the historic role of the press itself in producing a morally absolutist anti-abortion national 'consensus'. The press's democratic status, not least as a key site of criticism of the State, was not thrown into question in reporting on the popular reaction to the X case. Rather, that democratic status was affirmed by the intensity of criticism aimed at the State through press coverage of abortion politics during the year.

This illustrates the power of the media to define not only the terms of specific debates, but the very concept of a debate itself, in a democratic context. The key position of the press and the mass media in general within the political sphere is both recognized, through the insistence on the centrality of mass media to the maintenance of a democratic order, and repudiated, by excluding any consideration of the press's own political role in facilitating the limitation of democratic principles, in this instance by constructing the campaign to obtain official recognition of absolutist morality as democratic.

What effect did press treatment of the events of 1992 have in terms of a classic moral panic trajectory? As already outlined, the third stage of a moral panic, when state control is dramatically increased, could be said to have been in process throughout the 1980s and early 1990s, when the State, together with the anti-abortion lobby, were concerned with ensuring that the fatal threshold of legal abortion would not be crossed. However, the popular response to the High Court injunction issued against X and her parents ruptured the moral

certainties which had been so carefully constructed during the previous decade. While the logic of the High Court injunction could not be faulted in legal terms, the morality informing that logic was popularly rejected. The apparent political stability of the anti-abortion regime was thereby undermined.

Thus, the apparently inevitable trajectory which the moral panic seemed to have established was redirected as hegemonic discourses shifted. The reproduction of the anti-abortion social order was clearly not guaranteed by the 1983 panic, as a functionalist teleology would entail, although there were significant continuities, as well as ruptures, between pre- and post-X case abortion commonsenses. The post-X case reformulation of popular abortion morality suggests that the success of a moral panic in securing a particular set of legal and cultural consequences is always open to potential reversal. As outlined in the Introduction, hegemonies are produced through antagonism, necessarily involving struggle against counter-hegemonic forces (Laclau and Mouffe, 1985:134-145). The occurrence of popular 'panics' about morality, while often serving to reinforce already existing attitudes and legal penalties, also indicates the inherent instability of any assumed moral 'consensus'.

The next Part will consider the effects of the X case on key activists in abortion politics, themselves primary definers of the issues at stake. Of specific interest in Chapters Five and Six is the ways in which the shifting hegemonies outlined here, from 1983 to 1992, affected the competing political subjectivity and participation of these campaigners and workers, whose position in relation to national abortion politics was expressed in specifically personal terms.

PART THREE

THE X CASE AND ABORTION ACTIVISM: POLITICAL SUBJECTIVITY AND HEGEMONIC IRISHNESS

INTRODUCTION

Popular abortion discourse, constructed through a process of anti-abortion panic during the early 1980s, was ruptured by the events of the X case, as Part Two has demonstrated. The effect was to reconfigure commonsense positions on abortion away from hegemonic moral absolutism towards a more morally contingent and democratic debate. This gave some definitional standing to feminist perspectives on abortion access for the first time, as well as destabilizing the hegemonic status of the anti-abortion lobby.

This Part is concerned with the impact of the X case on competing articulations of political subjectivity from the perspectives of activists concerned with influencing abortion law. Specifically of interest is how anti-abortion and reproductive rights activists articulated different subject positions within the discursive field of Irishness. The competing subjectivities of political activists provide the focus for this Part because they were key definers of the terms within which abortion law was debated, both in the press and in the Oireachtas (legislature), albeit in relatively unequal and shifting ways. Activist investments in discourses of gender, sexuality and nationhood were articulated through interviews at a specifically personal level. Considering how the connections between these discourses were formulated in terms which provided the motivations and justifications for activists' commitments to abortion politics will indicate not only the broad parameters of the debate, particularly in terms

of its post-X case formulation, but also why abortion politics in Ireland has had such long-term political and cultural significance.

Chapters Five and Six are concerned specifically with how the categories of national 'insider' and 'outsider' were constructed through abortion politics. This entails considering how these categories were produced from the perspective of activists, both in relation to pregnant women and fetuses, and in relation to the 'public' character of the research process itself, where political subjectivity came into play in the negotiation and conduct of interviews. The following two chapters will specifically consider competing articulations of the links between abortion and Irishness, particularly in terms of how this connection was perceived by activists in response to the X case. Before considering these in detail, I will firstly introduce the analytic tools and material to be discussed, particularly in the context of theoretical and methodological issues raised in the course of the research process.

Hegemonic Crises: From 'Popular' to 'Democratic' Political Subjectivity

The analysis of post-X case political subjectivities contained in the following Chapters relies on the concept of hegemony in its poststructural reformulation. As outlined in Part One, a hegemonic formation refers to a relatively unified social and political space, produced through a set of purposively related identities, or chain of equivalences and differences, which defines what is beyond its limits as that which it is not: 'It is only through negativity, division and antagonism that a formation can constitute itself as a totalizing horizon' (Laclau and Mouffe 1985:144). Identities, therefore, are hegemonically produced through articulatory practices that relate and distinguish elements in such a way as to modify their significance (*ibid.*: 105). As Laclau and Mouffe put it: 'to be something is always not to be something else', although never in a fully achieved sense (*ibid.*: 128). Thus, there is no precise or essential

articulation of any particular subject position. This provides a way of theorizing identity, and particularly political identity, in non-essentialist and relational terms.

The centrality and contingency of a hegemonic subjectivity is always open to disruption, such that a break in the chain of equivalences and differences will dissolve or reconstitute the specific formation. It is at such points of crisis or instability in a chain of equivalences, when the relevant unity of socio-political space is ruptured, such as that effected by the X case with regard to Irishness, that a proliferation of antagonisms and equivalences emerge. Laclau and Mouffe argue that at such points, the abundance of antagonisms allows for the multiplication of democratic struggles. During 'stable' periods, what they term 'popular' subject positions prevail, namely positions which are derived from a dualistic and polarized division of political space. A crisis which ruptures the centrality of such a primary antagonism produces a multiplicity of divisions and identities. They describe the politics which emerges in these two very different contexts as follows:

We will [...] speak of *democratic* struggles where these imply a plurality of political spaces, and of *popular* struggles where certain discourses *tendentially* construct the division of a single political space into two opposed fields. (*ibid.*: 137)

In this framework, 'democratic' subject positions emerge in a complex political space, which makes the production of unified chains of equivalence difficult. Thus, 'democratic' struggles tend not to be unified as 'popular', in the sense of relying on a primary opposition, such as 'us' versus 'them'.

This characterization of the effect of a rupture in a primary political antagonism organizing political identities provides the theoretical background to this Part. Chapter Five will consider the effect of the X case rupture on anti-abortion political subjectivity, and Chapter Six on feminist political subjectivity.¹ Firstly, however, I will outline the research process through which the material for this Part was produced, a process which is integral to the forthcoming analysis, not least because the focus here is on the discursive constructions limiting what could be said or done, in what terms, by whom. The next section will consider that process in order to set the context for analysis.

Methodology

The Research Process

A set of thirteen semi-structured interviews were carried out in Ireland in December 1996 and May 1997 with six anti-abortion² and seven reproductive rights³ activists and workers, belonging to or associated with groups ranging from well-established umbrella organisations to grassroots networks and service providers. Participants were recruited in two main ways. Reproductive rights activists were recruited largely through the help provided by personal contacts. This meant that I was often able to talk to activists who worked in relative anonymity, women who were not always experienced at talking to researchers, unlike those public figures who participated from the anti-abortion lobby.

¹Thus, I am assuming that anti-abortion activists and feminists are mutually exclusive.

²The 'pro-life' activists who spoke to me were members of the following organisations: the Pro-Life Campaign; the Pro-Life Amendment Campaign (from early 1980s); the Society for the Protection of Unborn Children; Life Pregnancy Care; Family and Life; and Human Life International, Ireland. See Chapter Five for more detail.

³Feminists who spoke to me were active in the following organisations, and often more than one: Women's Information Network; Irish Women United; Galway Repeal the Eighth Amendment Campaign; Women's Information Network Galway; the Pro-Choice Alliance; Dublin Abortion Information Campaign; and Irish Women's Abortion Support Group. For more detail see Chapter Six.

This latter group of participants were approached in a more formal manner. I initially wrote to individuals and organizations who were currently or had been active in the debate since the early 1980s.⁴ A total of seventeen letters were sent, on University headed paper, to eleven anti-abortion organizations and well-known associated individuals. Five reproductive rights organizations and campaigners for whom I had no less formal introduction were also contacted in this way.

In these initial letters, I introduced myself as an Irish Ph.D. sociology student, working on the abortion debate in Ireland, and its relationship to contemporary debates about national identity. I assumed that presenting myself as a national 'insider' would improve possible participants' willingness to discuss their views on Irishness and abortion with me. I was concerned that not to do so would imply that I was an 'outsider', indeed a significant 'other' from England, an assumption which might prejudice possible participants against the project. In letters to reproductive rights activists whom I did not know personally, I usually mentioned my own marginal political activities, either with the Galway Repeal the Eighth Amendment Campaign following the X case in 1992, or with the London-based Irish Women's Abortion Support Group. Thus, I explicitly positioned myself as a political 'insider', who broadly shared the values of these potential interviewees, not only in order to gain access to groups who generally worked in relative anonymity, but also because of the feminist perspective and purpose of the research project itself. In addition to writing 'cold' in this way, I

⁴Letters were sent to the following organizations during August and September 1996: Students for Life in Cork; Women Hurt by Abortion; Family Solidarity; Pro-Life Amendment Campaign; Society for the Protection of the Unborn Child; Pro-Life Campaign; Life Pregnancy Care; Youth Defence; Women's Information Network; Irish Family Planning Association. A number of individuals were also contacted, who were publicly associated with the following organizations: Trinity Student's Union; Galway Appeal the Eighth Amendment Campaign; the Association of Lawyers for the Defence of the Unborn.

tried to 'snowball', i.e., generate further participants from initial contacts and replies.

The overall response included two letters returned unopened, as the organizations had either ceased to exist or had moved; one written refusal to talk to me, on the grounds of work pressure, although this contact wished me success and provided me with a further contact; seven positive responses, of which only two interviews eventually resulted; and six unanswered letters. Of the latter, I sent follow up letters, and telephoned when I arrived in Ireland.

Of those initially positive replies, most requested that I call when I was in town to arrange a convenient meeting time. This proved quite a difficult task, for a number of reasons. I did not have a base in Ireland with a telephone and answering machine from which to work during office hours. Most of my calls were made from public telephone boxes. In one case, the number I had been given by letter had been disconnected when I called, and the organization's address had changed. Often, the person who had replied to my letter was no longer available, whether because of ill health, work pressures, or holidays.⁵ However, in some cases I was referred to another member of the same organization who was available and willing to speak to me.

Thus a set of thirteen interviews were eventually produced, most of which were arranged by telephone once I was on site, conducted with the help of a semi-structured guide, an open-ended method adopted in order to maximize the opportunity for participants to elaborate their position without being overly directed. My intention was to establish a space where participants could

⁵Whenever I failed to make contact by telephone during my first trip in December 1996, I wrote again on my return to London, expressing my regret at not having been able to arrange a meeting, indicating when I would next be in town, and that I would call again at that stage.

express their positions in a context as free as possible from explicit constraints on what it might be possible to say. As Reinharz explains: 'Open-ended interview research produces nonstandardized information that allows researchers to make full use of differences among people' (1992:19). The interviews were structured in the sense that I tried to focus participants' attention on a range of question areas which I was concerned to address, a strategy which did not always work, for significant reasons that I will consider in the forthcoming chapters.⁶

Interviewing Elites: Power and Methodology

My strategic and ambiguous self-presentation both as a national 'insider' and as politically 'neutral' when approaching anti-abortion activists raises a number of interconnected questions about the relative positions of researcher and researched. Firstly, what obligations do researchers have towards participants, specifically when researching powerful groups? Secondly, does the approach I adopted have implications for the quality of research produced?

Discussions of these sorts of questions are central to much of the methodology literature, which generally assumes that social research focuses on relatively powerless groups. Thus, a major preoccupation in this literature is with developing ways of making researchers accountable to those they study. For instance, the British Sociological Association advocates that researchers obtain 'informed consent' from participants,⁷ and feminist literature on these questions recommends the development of 'rapport' with participants.⁸

⁶See Appendix A for the Interview Guide that I used.

⁷See British Sociological Association (1992). As some commentators have pointed out, however, obtaining an initial formal consent does not guarantee the ethical soundness of research. Rather, informed consent should be thought of both as an ongoing process of negotiation, as the project changes, as well as to some extent as an impossibility, since complete openness about the research is never possible, given that conclusions can never be entirely predicted. As Homan (1992) points out, researchers usually devise a 'cover story' for

A major consequence of these normative recommendations is the implication that the quality and credibility of research depends on observing these principles of accountability. Underlying this implication is the assumption that the presence of unequal power in research contexts compromises the material that is thereby produced. While the association between a strong principle of accountability and standards of research quality has emerged from a general concern with avoiding a construction of social research as an technocratic tool for administering or controlling objectified populations, (hence the insistence that participants should not be treated instrumentally) this seems to have fostered a problematic normative assumption that researchers should always try to work with and on behalf of participants. In other words, the literature tends to implicitly recommend a position of sympathetic identification with participants, usually assumed to be socially powerless groups. A major feminist example of this is 'action' research, where the researcher works alongside the group being researched, and participates in the group's projects (e.g. Reinharz 1992).

While the principle of 'informed consent' can be interpreted as a minimal standard for ensuring researcher accountability, more substantial principles, specifically the advocacy of 'rapport' in interview-based research, do not address situations where research is directed towards providing a critique of hegemonic groups and discourses. The advocacy of rapport or sympathy here would seem to undermine any general attempt to make powerful groups themselves accountable. For example, in these terms, the interviews I carried out with anti-abortion activists would be viewed as seriously compromised not

their project, viewing the consent issue as a site of probable conflict requiring persuasive skills, as well as strategies such as the exploitation of apparent friendships.

⁸See, for example, Oakley 1981; McRobbie 1982; Stanley and Wise 1990; Ramazanoglu 1992; Reinharz 1992.

only by my failure to elicit 'informed consent' in its strong form, or to foster an atmosphere of 'rapport', but also by my non-sympathetic, indeed instrumental approach to this particular group. This research project is explicitly not aimed at strengthening their general position.

An example of the contradictions in these related assumptions and recommendations can be found in Sasha Roseneil's (1993) discussion of her experience of researching her fellow Greenham Common activists. She discusses the advantages of 'insider' research, namely that she had a large amount of background knowledge on which to draw for interesting ideas, which, she argues, adds to the validity of her research. She was aware of the intense rapport she had with most of her interviewees. As she put it:

In some ways interviewing Greenham women was like having a large, diverse research team with whom to mull over findings and hunches, and the final analysis I developed draws heavily on the theoretical contributions of the women I interviewed. (p.202)

Roseneil appears to value rapport both as a commitment to accountability and as a means of ensuring the credibility of her interpretation. The implication is that by minimizing the power imbalance between researcher and researched, through drawing participants into the process of analysis, a more accurate account of events at Greenham will be provided. The inconsistency arises, however, when she discusses the hostility she encountered from two anti-feminist Greenham women whom she interviewed. While personally unpleasant for her, she admits that these interviews did provide important material for her research, despite the distinct lack of rapport. This indicates that lack of sympathy between researcher and researched does not preclude the ability to understand or comment on opposing perspectives.

Thus there are a range of issues in the literature, the connections between which are problematic. Firstly, methodological discussions tend to be concerned with promoting researcher accountability, primarily as a means of avoiding the objectification of research participants. However, this has problematically produced an implicit preference for 'insider' research, which relies on the assumption that accurate and credible interpretation depends on the absence of power inequality. In other words, the methodological research depends on the 'repressive hypothesis', which sees power as a force which will obstruct interpretation. From a Foucauldian perspective, however, the production of knowledge depends on the operation of power, which in turn depends on the production of knowledge. In this framework, the idea of minimizing power in order to better acquire knowledge in interview contexts is based on a problematic theory of power as something unitary which can be possessed or diminished (Barrett 1991:135), rather than, in Foucauldian terms, as a set of complex phenomena through which power-knowledges are discursively produced (Sheridan 1980:169-79).

A reconsideration of the range of power contexts of social research, which includes researching hegemonic as well as relatively oppressed groups, would require a reevaluation of these general methodological recommendations. Firstly, the concern to promote researcher accountability would not necessarily require sympathetic research relationships. Secondly, this shift away from recommending 'insider' research would require reconsidering the relationship between the possibility of interpretation and the operations of power in research contexts.

In the present context, I adopted a stance towards anti-abortion participants which could be described as akin to empathy rather than sympathy, namely a

commitment to take their position seriously in an attempt to grasp its distinctiveness. This relied on an assumption that comprehensible exchange across differences of power and political outlook was possible. In other words, my position in relation to participants with whom I differed, whether in terms of political position or social power, did not assume that understanding depends on being in sympathy or agreement with their views. Not only would such an assumption fail to take political differences seriously, but it also assumes that the presence of conflict precludes the possibility of understanding.

I would argue that questions concerning the obligations of researchers to participants should be considered primarily at the level of the broad political context of the research, an issue which does have implications for judging the quality of particular projects, although not necessarily because understanding would be impaired by the operation of power. This is not to argue that power should not be considered as significant. Rather, its effects should be considered and negotiated in relation to the project's general ethical-political aims.⁹ However, the problem of researcher/researched relationships remains difficult, particularly in contexts of hostility, such as those in which I was involved.

These sorts of problems do not have any simple answers. For example, my 'cover story' was to present myself to the anti-abortion right-wing as a politically impartial student of the abortion debate. Although I do not think this strategy was particularly convincing, for reasons which I will discuss in Chapter

⁹Clearly, research relationships are always to some extent necessarily instrumental, since they are primarily aimed at producing research material. For example, Janet Finch raises ethical concerns over the unaccountability of researchers in relation to women they might interview. As she puts it: 'I have ... emerged from interviews with the feeling that my interviewees need to know how to protect themselves from people like me. They have often revealed very private parts of their lives in return for what must be, in the last resort, a very flimsy guarantee of confidentiality' (1984:80). Cotterill's (1992) response to this problem, produced by an emphasis on interview rapport, recommends instead that interviewers should simply play the role of 'friendly stranger', as a means of protecting interviewees from the dangers presented by blurring a research relationship with a friendship.

Five, it was the only possible 'story' I could tell, in order to indicate that I would take participants seriously. I was caught in an insoluble tension between attempting to obtain some level of 'informed consent', while at the same time approaching these participants instrumentally, for purposes opposed to their own. However, I would argue that while this approach may sometimes raise questions of accountability, it does not compromise my interpretation. What I offered participants was simply the opportunity to have their positions taken into account in the research, to which they agreed, not least because, as political activists, they are committed to speaking to and attempting to persuade as many audiences as possible. I explicitly informed participants that I was talking to activists on both sides, and that I was interested in the possible connection between the abortion issue and national identity.¹⁰ I also indicated that I was interested in their personal motivations for becoming politically active. Given the open-ended nature of my questions, participants were free to refuse to discuss any particular questions I raised; to raise issues themselves; or to expand on any issue in particular.

I was a little reassured by my awareness that this group firmly believed that dissenters and opponents could be converted once exposed to their views, although this also made me feel defensive. In addition, I felt that I had betrayed my feminist principles, the ethical impulse behind the project as a whole, when I did not challenge their views.¹¹ However, to have done so would have been impossible, because I was obliged to honour the agreement on which the

¹⁰Fiona, a veteran anti-abortion campaigner, for example, accepted the legitimacy of this research strategy. As she said, I would have to get the 'other crowd's' views, meaning reproductive rights activists, whom she otherwise referred to as the 'anti-lifers' (note recorded in my research diary).

¹¹While, in contexts of researcher power silence can operate as a controlling mechanism (Macpherson and Fine 1995:182-183), in researching 'up' silence can be taken as implicit agreement, and can reinforce the views of the interviewee, as Carol Smart (1984) has commented.

interviews were based, and to which participants had consented, namely that I would listen openly to their accounts of their views and motives.

Thus, questions about the conduct of research relationships and the impact of unequal power on the possibility of interpretation are connected, and have been dealt with in the relevant literature generally only through an assumption that research participants are relatively less powerful than researchers. This has produced a general assumption that informed consent or rapport are necessary to the production of good quality, credible interpretation. In the context of this project, it seems to me, firstly, that adopting a sympathetic attitude towards the anti-abortion lobby, in the sense of accepting the truth of their views and producing research aimed at improving their position, is not necessary in order to produce a credible interpretation of their views. Furthermore, as Carol Smart (1984) has argued, if feminist research is to have any impact at all, if it is to even proceed beyond the initial design stage, then surely feminist researchers should not make themselves any more vulnerable than they already are to the powerful anti-feminist lobby. At the very least we should not adopt an uncritical approach to these particular views.

Interviewing Peers: Relational Subjectivity and Methodology

By contrast, my position as a feminist researcher interviewing other feminists raises a number of questions concerning the relationship between the construction of subjectivity and the research process. What effect does the primarily instrumental character of such relationships have in 'insider' peer research? In what ways do such research contexts affect what can be said in an interview?

These questions have been considered in the methodological literature on interviewing peers, and illustrate further problems with the normative emphasis

on sympathetic research, and consequently competing tensions in feminist research recommendations. Feminist attempts to minimize the effects of power when interviewing relatively powerless groups, for example through recommending an explicit investment of the researcher's identity in the research process itself, as a means of avoiding the adoption of a patronising attitude towards participants (Oakley 1981, McRobbie 1982), is in tension with some of the problems identified with researching peers.

Firstly, in peer interviewing contexts the primarily instrumental character of the encounter is exposed, not least because interviews are not typical everyday peer interactions. My interviews with feminist activists took place in precisely this context, where the academic rather than political focus of the exchanges was explicit. My consequent discomfort was to some extent alleviated by the fact that a number of participants were or had themselves been students and academics, and were as a result supportive of feminist research. However, the overtly 'public' character of peer research (Ribbens 1989:579), where what is said does not remain at a personal level, but rather is recorded, interpreted, and made publicly available, albeit selectively and anonymously (Platt 1981:78), is in tension with the recommendation that feminist research in particular should in effect adopt an 'insider' position (e.g., Oakley 1981). The explicitly instrumental character of peer research repositions the 'insider' by emphasizing the primarily public purpose of the encounter. In effect, the 'insider' becomes realigned with an anonymous and critical public 'outside' context through the research process. The prescription that feminist research in particular should strive to overcome the hierarchical subject/object dualism structuring research encounters through attempting to adopt an 'insider' position ignores the 'public' position of researchers relative to participants (Ribbens 1989:587), even in peer contexts. As Cotterill insists, the distinction between research and other

encounters should be acknowledged (1992:595), a difference which becomes explicit in peer interview contexts.

The second major issue which peer interviewing underlines is that in 'insider' contexts, participants, whose 'expertise' is at least equal to that of the researcher, are in a strong position to judge the research project, the research process, and the 'insider' status of the researcher (Platt 1981:77). Thus, the research is open to judgment even as it is being conducted, in ways which the researcher is not only aware of but is particularly vulnerable to, since her identity is already invested both in affiliation to the specific peer group, and in the research project itself. This makes it difficult both to control the interview (Platt 1981:88), and to explore uncertainties that arise during the interview, since asking for clarification may further place the interviewer's 'insider' status in question. Thus, the instability of insider/outsider categories comes into play not only in the very act of interviewing, but more particularly where explanations are requested, which raise particularly questions about how much of an 'insider' the interviewer really is (Platt 1981:82; Song and Parker 1995:243). Thus, 'insider' peer research can significantly affect what questions are asked, as well as what participants might say, given the circulation of informal knowledge and assumptions among the peer group concerning what the research is interested in (Platt 1981:77).

My 'insider' status as an Irish feminist interviewing other Irish feminists was in tension not only with my position as a researcher, but also with the fact that I had not lived in Ireland for a number of years prior to the interviews. Thus, my national political subjectivity was not necessarily shared with those I interviewed. This unstable 'insider' position affected what questions I was prepared to ask. I was concerned about the judgments of these participants on a range of issues, including the focus of the research, how I conducted the

interview, and to what extent they regarded me as an Irish feminist. For example, during the interview with 'Aileen', I inquired as to the effects of the X case on the 'pro-choice movement' in Ireland, to which she responded that she would love to think that there was such a thing. My application of this inappropriate description underlined, at least to myself, my position as 'outside' Irish feminism. This uneasiness was reinforced by my primary position as a commentator rather than an activist, whose competency was now in question in the light of my misdescription. I ended this interview quite quickly, feeling uncomfortably exposed as an inadequate feminist, as well as an inadequate researcher, since my questions concerning the nature of the abortion conflict appeared to be the concerns of an 'outsider' who no longer actually understand Irish political culture.

Thus, the problems associated with the recommendation that feminists should commit themselves in personal ways to research and effectively adopt an 'insider' position are exposed when considering actual 'insider' peer research, not least by underlining the primarily 'public' character of research relationships, as well as by indicating how the instability of the researcher's 'insider' position can make it difficult for the researcher to control the interview.

The following two Chapters will discuss in detail the articulation of competing political subjectivities within the discursive field of Irishness, considering in particular the significance of the X case to these articulations by active citizens. Chapter Five will concentrate on anti-abortion, and Chapter Six on feminist reproductive rights subjectivities in relation to discourses of nationhood, in the context of a post-X case shift from 'popular' to more 'democratic' abortion politics.

CHAPTER FIVE

THE X CASE AND ANTI-ABORTION POLITICAL SUBJECTIVITY

Introduction

The X case ruptured hegemonic attitudes to abortion access, and consequently repositioned anti-abortion and reproductive rights perspectives in relation to the nation and citizenship, as Parts One and Two have demonstrated. This Chapter is concerned with how anti-abortion political subjectivity was articulated in response to this new context. In considering this, I will draw on the discussion from Part One on the hegemonic construction of Irishness as not-English, which produced an articulation of nationhood in terms of community, religiosity, and traditional familism. What follows is specifically concerned with the impact of the X case on this chain of equivalences, through which anti-abortion campaigners and workers had produced a hegemonic popular discourse of Irishness as 'pro-life' during the early 1980s.

The interviews which provide the focus for discussion in this chapter took place during a period of time when anti-abortion moral-political hegemony had been destabilized, as already discussed. Thus, anti-abortion discourse during this period was characterized by a defensiveness not so apparent prior to the X case. That case had specifically undermined the construction of national 'insiders' in terms which justified anti-abortion authority over women's bodies, in consequence of a national concern with the protection of 'the unborn'.

The Chapter is divided into five sections. Firstly I will briefly describe who participated in the research, including a sketch of the relevant organizations, and a consideration of the power dynamics structuring the interview contexts. I will then discuss anti-abortion articulations of political subjectivity, in the light

of the rupture in hegemonic 'pro-life' Irishness produced by the X case. The way the anti-abortion position was aligned with democratic, republican, and even feminist politics will be discussed in turn, before finally considering the ways in which anti-abortion discourse attempted to reproduce a popular 'pro-life' politics, through a rearticulation of anti-colonial discourse.

Interview Participants

As discussed in the Introduction, this Chapter draws on interviews with a set of six anti-abortion campaigners. Five of these interviewees lived in Dublin, and one in Galway. They were each involved in one or more of the following organizations: the Pro Life Amendment Campaign (PLAC), which lobbied successfully for constitutional foetal rights during the early 1980s; the Irish Branch of the Society for the Protection of the Unborn Child (SPUC), also established during the early 1980s; Human Life International, Ireland (HLII), which was established in Ireland in 1993 following the X case; the professional association Lawyers in Defense of the Unborn; the Pro-Life Campaign (PLC), established after the X case with the aim of overturning that ruling through a constitutional amendment; Life Pregnancy Care Service Ireland, a non-denominational anti-abortion counselling organization; Family and Life, an anti-abortion organization incorporated as part of the Pro Life Movement Limited; and Youth Defence, a youth association set up in 1992 in response to the X case, which adopted new radical tactics, such as picketing politicians homes, and staging dramatic street demonstrations (Hug 1999:179).

The first participant, 'Eoin', is a retired senior academic and medical practitioner in the field of obstetrics and gynecology.¹ He had trained in

¹All interviewees are referred to by pseudonyms in these chapters.

England during the early 1960s, an experience which he articulated as the primary motivation for his subsequent anti-abortion political activity in Ireland.

'James' is a young public relations consultant who began his involvement in anti-abortion politics as a student, during the period when student unions were illegally providing abortion information.

'Helen' became involved in the abortion debate as a result of her interest in counselling rather than campaigning, combined with her general 'pro-life ethos', as she put it.

'Fiona' is a retired general medical practitioner (GP) who had also trained in England before returning to Ireland. She became involved in anti-abortion politics through her experiences as a GP, dealing with women's requests for assistance in obtaining abortions in Britain, following the introduction of the 1967 Abortion Act. She was instrumental in prosecuting information providers through the courts, thereby making abortion information illegal.

'Jane', a young Canadian woman, was working in Ireland on a short term basis for an anti-abortion charity. She became involved in anti-abortion work by chance, but said that it had become very important to her, particularly because of her Catholic identity.

'Paul' spoke to me as a representative of a 'pro-life pro-family organization', as he described it, but was unwilling to discuss in any detail his personal background, including how and why he became involved in anti-abortion politics. He did, however, say that he first got involved in the early 1990s, and mentioned that his family played a part in that. He has been publicly associated with anti-abortion direct action, although he made no mention of this, since the

interview had not been negotiated to include such a discussion. Since the interview took place, he has been involved in the C case, when the anti-abortion lobby attempted to prevent another young rape victim, this time a thirteen year old, from obtaining an abortion in Britain.²

Interview Contexts and Power Dynamics

The interviews analysed both in this Chapter and Chapter Six took place during December 1996 and May 1997, approximately five years subsequent to the X case. Thus, the immediate rupture in anti-abortion national hegemony had receded somewhat, as Chapter Four has indicated, and activist discourse would have reformulated its terms in order to reassert its legitimacy, not least by incorporating defenses against the major problems with this political discourse which the X case had exposed.

Most of these interviews took place either in offices or in participants' homes. One took place in a hotel lobby, since the interviewee was in the process of an office move. As the Introduction has indicated, the process of recruiting participants who were both available and willing to speak to me was difficult, and ongoing during the concentrated period when I was actively interviewing. One effect was that interviews were held in a context where I was not entirely in control, not only because I was working in unfamiliar surroundings, but also because I had presented myself as a national 'insider', in a context where political and national alignments were the explicit focus of interest, and where I was actually an 'outsider' in political terms. Thus, the problem of relative situation was central to the negotiation of the interviews. This, combined with the difficulty of arranging the interviews resulted in an often defensive and deferential interviewing style. My focus of interest in discussions with anti-

²For details, see the Introduction.

abortion participants involved questioning what should, from their perspective, have been 'commonsense' to any actual 'insider'. In other words, the very fact that I was puzzled about the significance of abortion to the nation raised questions about my 'insider' status. In addition, as I noted earlier, I felt that the process of interviewing anti-abortion activists and workers, inviting them to clarify their position in a non-judgmental interview context, compromised my feminist identity. In order to persuade interviewees to talk to me, I necessarily presented myself as an impartial academic, which left me feeling both dishonest and complicit, since my openness to listening to this perspective meant that I could not challenge their point of view. The only anti-abortion interview where my national subjectivity did not come into question was with Jane, who seemed uncomfortable discussing, from her own perspective of a national 'outsider' (Canadian), the dynamics of abortion politics in Ireland with a national 'insider' (Irish), a reaction which indicates the significance both of nationhood to the abortion debate, and *vice versa*.

A number of these participants overtly attempted to control the interview, indicating an uncertainty over what arguments they anticipated I was interested in making. Some attempted to solicit this information from me indirectly, for instance, by asking whether I had any children, particularly by those participants who noticed, to their apparent surprise, that I was married.³ Others treated me with guarded suspicion, and attempted to control both what questions I could ask, and what I was allowed to hear, and particularly to record. For example, Paul, who spoke to me from his office where another person was working, suddenly asked that I switch off my recorder when a call came through to his colleague, saying that there was 'sensitive information' at

³For example, Fiona's husband, who arrived during the interview, asked whether or not I was 'pro-life'. My response, saying at first 'yes' (justified to myself by not considering myself 'anti-life' or 'pro-death') and then claiming that my interest in the debate was purely academic (intended to signify a detachment from politics), was fumbled and unconvincing.

stake. He was extremely cautious about what questions he would answer, refusing to elaborate in any detail about his general position. The interview lasted little more than twenty minutes. Another interviewee seemed very relieved when I said the interview was over, exclaiming 'It's over?', and laughing in relief, suggesting at least his uncertainty over where I stood. It was, interestingly, after this that he seemed to relax and speak more openly and generally about his position, even though the recorder was still running.

One interview in particular illustrates both the general power dynamics of these situations, and the role discourses of gender and nationhood played in the production of research material. Fiona attempted explicitly to limit what questions I could raise, define how I could relate to her, and ensure a favourable interpretation of her position, through overtly performing hospitality rituals, as well as by articulating her political subjectivity through a maternalist nationalist discourse.

Fiona's explicit evocation of the reciprocity entailed in accepting hospitality was a major aspect of her efforts to control the interview. For instance, I got lost on the way to her house, in a rural area without road signs, and had called her when I found a phone-box. She came and picked me up in her car, and showed me around her house and garden on arrival, before taking me into her front room, quite a formal setting, to 'have a little chat', as she put it. She then spoke continuously, giving the impression that she was being very generous in speaking to me, and apparently providing me with a lot of detailed information. The transcript shows, however, that I was able to ask only five questions in total during what was a relatively long interview, and only when prompted by her saying, for instance, 'And now you can ask me a few more questions'. Fiona explicitly ended the interview by getting up to make tea. Her self-positioning as generous and open-minded was continuously underlined. For example, she

discussed how she feared for her personal safety, claiming that she had received a death threat because of her anti-abortion politics, while also telling me how she often gave lifts to her political opponents following meetings. She discussed at length, after she had ended the interview and was serving tea and biscuits, how she had been continuously mistreated by interviewers who had, for example, accepted her hospitality and then written very unsympathetic articles about her. She was particularly affronted by the fact that she had rarely received a thank-you note or card from any interviewer. In this way, she solicited a thank-you note from me, as a way of formally obtaining my recognition of and gratitude for her generosity.⁴ This seemed to me to be a strategy aimed at preventing me from treating her position in a less than sympathetic way, simply by evoking the reciprocal rules of hospitality.

Fiona also attempted to position me in explicitly national and gendered terms, in a number of ways. Firstly, she said that she had only agreed to the interview because she thought I sounded like a 'nice girl' on the phone, positioning herself in contrast as a mother, for example by discussing, off the record and unprompted, her children's life choices with me, and what she felt about them. Secondly, she emphasized what a small country Ireland was, how impossible it was to remain anonymous, and how many people she knew from my home town, a comment which I interpreted as a warning that my family might not be immune to the effects of the position that I take up through my research. These comments again constructed me primarily in daughterly familial terms. Furthermore, she noticed that I wore a Claddagh ring, a piece of national jewelry, typically signifying monogamy and tradition, although also associated with the Claddagh area of Galway city.⁵ She discussed the tradition of

⁴Indeed, I sent her a University of Warwick post-card to thank her for her assistance with my research.

⁵The Claddagh ring usually has two hands holding a crowned heart. The direction in which the heart points indicates the monogamous status of the wearer.

Claddagh ring-wearing in her family, particularly her mother's large collection. In this way, she spoke to me through a discourse of gendered nationality, constructing me primarily as a young wife and potential mother, rather than as a student or professional researcher. As she said to me, I would have to stop doing degrees. She didn't indicate why, but I interpreted her comment as implying that I should start having babies.⁶ Again, this strategy of constructing me in familial terms, through a traditionalist gendered national discourse, to the extent of giving me 'motherly' advice about how I should live, suggests an attempt to construct her own position as authoritative. To criticise her position in these terms would entail betraying my nationality, by rejecting the traditional gender roles through which she 'recognised' me.

Thus, the material produced through these interviews is the result of a complex negotiation between political subjectivities. Interviewees attempted either to discover precisely what position I was committed to, or to control the outcome of the interviews simply by positioning me as a subordinate, in gendered familial terms. Indeed, these participants were often public figures who would have been accustomed to such defensive strategies in interview situations. The difficulty of these interview situations was compounded by my explicit questioning about the political subjectivities of participants themselves, while often refusing to reciprocate, feigning 'objectivity'. The next sections will consider how interviewees constructed their political position in relation to the rupture of hegemonic anti-abortion discourse which the X case effected.

Post-X Case Anti-Abortion Political Subjectivity

Four key themes structured post-X case anti-abortion discourse. Firstly, the concern to defend foetal rights was justified as a democratic strategy to

⁶She had already openly discussed my married and childless status with her husband, who had arrived during the interview, while she was introducing him to me.

enhance, rather than weaken, citizenship rights. Secondly, anti-abortion political subjectivity was articulated in republican terms, particularly through an emphasis on the 'common good'. Thirdly, anti-abortion discourse expressed a major concern for the cultural as well as legal position of women, in apparently feminist terms. Finally, a concern to resist cultural colonialism was articulated as central to anti-abortion politics. The articulation of each of these themes in the interviews with anti-abortion activists will be discussed in turn below.

Anti-Abortion Politics as Democratic

... the struggle [over abortion law] is really really really about, it's about how far do we go, do you know? What are rights, what is democracy? You know, democracy is based on fundamental rights, so when you interfere with these fundamental rights you don't have democracy. You know that's just [...] a reality. (Interview with Paul, 20th May 1997, Dublin)

The anti-abortion position articulated by interviewees relied explicitly on democratic discourse, and particularly on an expressed concern with the protection of 'fundamental rights'. Although this was not a new aspect of anti-abortion political discourse, as Chapter Three indicates, the questions raised in the aftermath of the X case, particularly concerning whether women had a right to travel outside the state boundaries for purposes not legal within the state, namely to obtain abortions in Britain, drew attention to the possibility that women's citizenship had been seriously compromised by the 1983 Amendment. Thus, the democratic credentials of both the state and the anti-abortion lobby had been explicitly brought into question following the X case. The assertion of an insistently democratic anti-abortion position, defined primarily with the protection of 'fundamental rights', indicates the need for anti-abortion activists

to reassert their legitimacy by articulating precisely the principles they were accused of undermining through the events of the X case, albeit in anti-abortion terms.

Furthermore, anti-abortion discourse responded to the rupture caused by the X Case on the perceived legitimacy of their position by asserting their concern, as democrats, to defend women's right to travel. For example, Eoin, a seasoned anti-abortion campaigner, expressed this position as follows:

... the difference between our state and Soviet Russia was that every citizen of this state is free to come and go as he or she chooses. Nobody can stop you leaving the state or coming back, unlike Soviet Russia, where you have to ask permission of the Executive to leave. Now she [X] *had* that permission to leave. But the ... pro-abortion side as it were wanted to make a contest of it, saying that she wasn't entitled to go, and that she was being denied entitlement to leave. She was injuncted and brought back into court. (Interview, 9th December, 1996, Galway)

While this is a confusing and inaccurate account of the events which produced the X case, as well as of the status of competing rights claims, Eoin does insist that the democratic nature of the Constitution and the state, specifically in contrast with Soviet Russia, guarantees against any compromise of women's right to travel. By aligning the anti-abortion position with democratic principles, he thereby asserts the democratic credentials of the anti-abortion lobby. This was a significant defensive retreat, which specifically rejected the pre-X case anti-abortion position. This revision is intended to absolve the anti-abortion lobby from responsibility as anti-democratic, and a danger to children's lives and welfare.

The impact that the question raised by the X case with regard to women's right to travel made on the anti-abortion position can be seen more specifically in a comment on the issue made by James:

while I don't think that it [the Eighth Amendment] enshrined a right to abortion in a foreign country, I don't think it enshrined a right to stop somebody going abroad on suspicion that they might be about to have an abortion, which as you know, [...] raises all sorts of legal questions about internment and civil liberties and suspicion and onus of proof and so on. So I don't think the case should have been taken in the first place, but the case having been taken in the first place, I feel that the judgment should have reflected the legal issues, rather than [...] the emotional issues. (Interview, 12th December 1996, Dublin)

This reaction to the judgment, and particularly the issues it raised about women's citizenship, seems to have pre-empted any questions about the democratic status of the anti-abortion project by recognizing the legitimacy of such objections, while also rejecting the logic of the X case judgment itself, by claiming that women's right to travel was not in competition with the foetal right to life. In making this statement, James expressed a democratic concern with civil liberty and procedural legal justice.

He explicitly referred to the parallel publicly drawn between the State's actions in the X case and official policies of internment.⁷ Official policies of interning

⁷For example, the cartoon by Martin Turner published on the front page of the *Irish Times* when the story was initially reported, was influential in establishing the parameters of the consequent debate, and is often reproduced in discussions of the case. This pictured a visibly pregnant young girl clutching a teddy bear, standing on the territory of the Republic, surrounded by barbed wire. The caption reads: '17th February 1992: The Introduction of Internment in Ireland for 14 year-old girls' (*Irish Times*, 19th February 1992).

or incarcerating suspected lawbreakers without a trial, are generally regarded as anti-democratic. In Ireland in particular such official internment policies recall the actions of the British government in the north of Ireland in response to the violence of the early 1970s, outlined in Chapter Four. The parallel drawn between the Irish State's actions in the X case and policies of internment signified official brutality and totalitarianism. James's response to this publicly drawn parallel attempted to distance the anti-abortion position from association with any compromise of civil liberties, in this instance by asserting that the final legal decision was a reaction to the emotional connection made between the injunction against X travelling abroad and the historical significance attached to internment.

These two statements demonstrate anti-abortion activists' insistence, following the X case, that they were not claiming jurisdiction over women's bodies. To do so would, as Eoin explains, require the unacceptable levels of state power over citizens. The concentration of power in the state is particularly unacceptable from the point of view of Catholic doctrine, which favours the corporate state structure characterised by the principle of subsidiarity described in Chapter One, designed to protect spheres of religious influence, particularly the family, from State interference. Furthermore, the association between official internment policies and denial of the right to travel to women, already mentioned, indicate the extent to which the legitimacy of anti-abortion discourse had been popularly ruptured. This assertion that women's freedom of movement had never been compromised by the official duty to protect 'the unborn' indicates how anti-abortion discourse was necessarily rearticulated in this new context. However, this denial that foetal rights would affect in any significant way women's embodied autonomy and citizenship rights conflicts with the necessary anti-abortion assertion of authority over women's reproductive capacity and hence women's embodiment. In other words, this

claim that women's embodied autonomy was not at stake in the recognition of foetal rights continued to rely on a discourse which constructed anti-abortion activists as internal to the sphere of legitimate authority over foetal life and consequently women's embodiment, on the basis of their position within the nation. From this perspective, women seeking abortions, together with feminist advocates of reproductive freedom, continued to be necessarily constructed as beyond the sphere of legitimate authority over foetal life and consequently women's embodiment, by virtue of their non-national perspective. However, this post-X case insistence that women's freedom of movement was explicitly not compromised by the official recognition of a foetal right to life indicates a significant shift in anti-abortion discourse, as a degree of explicit recognition that women's embodied autonomy was actually at stake in abortion law was in effect introduced through the assertion that women's right to travel should be upheld.

Anti-Abortion Politics as Republican

The abortion issue is a very divisive one in Ireland and it has sort of riven the community, if you like, apart, in all sorts of ways. And the X case has only just added fuel to the fire. (Interview with Eoin, 9th December 1996, Galway)

The second major theme constructing post-X case political subjectivity involved a concern with defending what could be described, in republican terms, as the 'common good'. In particular, as Eoin's statement above demonstrates, the X case was criticized on the basis that it was divisive. In this view, the judgment had facilitated the emergence of extremism in the nation, in the form of 'pro-abortion' feminism. As Paul, a high profile young anti-abortion organizer, commented:

... the X Case seemed to unify all those groups and persons who wanted ... abortion introduced into Ireland. And it was the extreme wing of things and it seemed to take control, for about two or three months... (Interview, 20th May 1997, Dublin)

These 'pro-abortion' extremists were constructed as operating against 'the people'. One major strategy was that they could exert control over powerful forces such as the media. As Paul went on to say:

... we don't have their [reproductive rights campaigners] ways we don't have the amount of people in the media that *they* have in the media. So we gave up that struggle [against the reproductive rights campaign]. We created our own media, you know? We said we'll bypass the media and go directly for the people. (Interview, 20th May 1997, Dublin)

Again, what is evident in this statement is a distinctively republican concern with avoiding divisive argument. In republican terms, the 'common good' is only served through the promotion of harmony between the putative national character and the law. However, the 'common good' is a construction which necessarily depends on the production of cultural uniformity.⁸ Thus, the production of a coherent 'national character' was precisely what is at stake in this conflict, as Paul went on to demonstrate. On the one hand he asserted an equivalence between 'pro-life' politics and popular morality, while on the other

⁸Whelan (1996) describes the importance of avoiding divisive issues to the eighteenth century republicanism of the United Irishmen: 'In the United Irish view, divisions within Irish society were artificial, deliberately exacerbated by the junta (or faction) to maintain their own corrupt regime.'(p.61) See also Viroli (1995) for a discussion of the centrality of the idea of the 'common good' to republican politics.

hand he discussed the anti-abortion lobby's extensive persuasive work, designed to produce that very equivalence. As he commented, public opinion is subject to constant change, in response to public debate. The anti-abortion lobby exerted themselves to a considerable degree in an effort to influence public debate and opinion. To quote Paul again:

... we haven't been campaigning since last year for a referendum, we've been campaigning since 1992 for a referendum. So *all* that work, conferences, rallies, leaflet drops, video drop, door to door, *everything*, like it's a weekly, daily occurrence, and that has been going on, since 1992. And that's the reason why we've been able to keep public opinion, despite all that, we've managed to keep, I would say, the majority of people on our *side*. And if it gets to a referendum stage the only reason we will *win* is because four weeks or five weeks or six weeks prior to that referendum we will put in as good as a campaign as the government will push, or whoever our opponents are that day. (Interview, 20th May 1997, Dublin)

Here it is clear that producing an alignment between the anti-abortion position and popular morality or the 'national character' is a daily struggle, not a taken for granted assumption. In this view, divisive politics can only be avoided by asserting a homogeneous culture, and insisting that dissent be treated as foreign and necessarily divisive.

Thus, the republican articulation of anti-abortion political subjectivity in the wake of the X case focused primarily on 'culture' and 'social policy'. The law was necessarily viewed, from this position, as an essential tool for reproducing collective culture, rather than, for example, a means of promoting individual

autonomy. This can be seen, for instance, in a comment on the relationship between law and society from James:

... we have to reach out and convince people that that there is a, I won't say a legal solution because the legal aspect is not the solution to abortion, but certainly there is [...] a role for the law ... in reducing the number of abortions, in reducing the culture that creates abortion, and so on in this whole debate, and that I suppose that's the very the counter to the right to choose argument that people feel uneasy or might feel uneasy about abortion, but believe that the law has no role in the matter. I suppose what we're trying to do is saying abortion is not a matter of personal conscience, it's a matter of, it's a matter of a lot of things, but among those things, it's a matter of a country's social policy... (Interview, 12th December 1996, Dublin)

Here, James constructs the 'right to choose' position as an inadequately individualist response to a complex moral and social problem, and counters it with an explicitly communitarian position, articulated in terms which draw on the traditional republican view of the relationship between law and culture. The law is seen here as a guarantor of a social order, rather than primarily as a mechanism for arbitrating between competing rights claims. The work of the anti-abortion lobby, in this view, lies not in persuading people of the undesirability of abortion, but rather in persuading people that there is a role for the law in 'reducing the culture that creates abortion'. Again, this positions women seeking abortions and feminist reproductive rights advocacy as beyond the parameters of the society or community, which is characterized as the victim of abortion. Thus, anti-abortion campaigners are concerned with the fate both of the foetus and of the society itself, in contrast with reproductive rights advocates, who, from this perspective, have no interest in the cultural or social

level of abortion provision. In other words, the failure of abortion rights activists to be concerned with the society's character and future disqualifies them from a position of legitimacy in producing abortion laws. Again, anti-abortion activists are constructed, by virtue of their national concerns and interests, as having legitimate authority over abortion provision, and hence over women's bodies, despite their claim that they are simply concerned with the protection of 'unborn' life. Their post-X case articulation of concern with the 'common good', in republican terms, simply reinforces their assertion of a national 'insider' position in contrast to 'outsider' feminism.

Thus, anti-abortion activists expressed an interest not simply in outlawing abortion but in a much broader project concerned with the 'social fabric', through which a gendered and sexualized definition of nationhood could be constructed and maintained. As James said:

When something is entrenched ... the whole social culture grows up around it, the industry grows up around it, the people accept it, you have abortion clinics in towns you know, it's part of the fabric of society, it becomes I think part of the economic fabric, small families and, you know, and so on and so forth. It's just very, you start, once you have it you start having to tackle all sorts of issues. (Interview, 12th December 1996, Dublin)

What James views is at stake here is more than the protection of foetal life from abortion. The entire culture is at risk, notably defined in terms of family size. The aim of preserving large families epitomizes the general agenda of the anti-abortion position, suggesting a concern with a 'traditional' family formation, including the centrality of that formation for the production of specifically 'traditional' discourses of gender and sexuality. In particular,

outlawing abortion was viewed as a means of guaranteeing the stability of gender discourses which would construct women primarily in traditionally maternal and domestic terms, and consequently, men in traditionally paternal and authoritative terms. This articulation of political subjectivity relies on the well-established and constitutionally recognised Irish republican discourse which defines the 'common good' in terms of women's domestic duties in the home.⁹

Thus, it would seem that anti-abortion political discourse articulated its position in the aftermath of the X case as traditionally republican, although not simply through a claim to the transparency of the 'people's will', as in 1983. The construction of the 'common good' in anti-abortion terms provided a strategy for reproducing particular articulations of gender and sexuality, through promoting the idea of a homogeneous national culture beyond political debate which legitimated anti-abortion authority over women's reproductive freedom.

Anti-Abortion Politics as Feminist

The third aspect of anti-abortion articulations of political subjectivity in response to the X case involved an explicit alignment of that position with a concern for women and girls, without any prompting from me. Helen, for example, indicated that her organisation opposed the practice of abortion on the grounds that it is 'anti-woman', as well as 'anti-child', as she put it. She claimed, for example, that abortion posed a huge risk to women's emotional stability. As she said:

⁹Article 41 recognizes 'the Family' as 'the natural primary and fundamental unit group of Society', which the State guarantees to protect:

41.2.1° 'In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.'

41.2.2° 'The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home' (*Bunreacht na hÉireann*).

... [abortion] is quite quite destructive to the woman, to relationships in general, and to society, because society actually can suffer the after effects, you know, through people's work or relationship breaking down, [there are] actually quite wide-reaching repercussions to [...] the abortion. (Interview, 13th December 1996, Dublin)

This particular statement connects an anti-abortion position with a republican 'common good' discourse, together with a narrowly feminist 'woman-centred' discourse as a means of justifying the legitimacy of this position in the wake of the rupture effected by the X case, where anti-abortion discourse was explicitly constructed as damaging the rights of girls and women.

This anti-abortion woman-centred discourse was not unusual in comments made by anti-abortion interviewees. A number of anti-abortion activists claimed, for example, to have become politically involved specifically because of their concern for women:

People like me, we're accused of being only interested in babies. No feelings for girls in these predicaments. Well for my own part anyway, it was women, it was the women that got me in it, I mean it was these girls coming to me, [...] I don't think abortion is good, even leaving out the morals, leaving out all that, it doesn't do any good to girls, I mean, one of the things I'm quite proud of is that even when they didn't take my advice and went off and had the abortions, they always came back to me, for their sore throats and their other things, they didn't fall out with me. (Interview, with Fiona, medical practitioner, 17th May 1997, County Dublin)

Although this is a clear attempt to position anti-abortion politics in 'feminist' terms, the evident slippage between 'women' and 'girls' suggests that this particular articulation of a discourse concerned with the position of women is instead invested in an attempt to exert power over women, justified through a gendered discourse which generally constructs women as lacking moral agency, precisely by employing an equivalence between the categories 'woman' and 'girl'.

This attempt to articulate an alliance between anti-abortion politics and feminism would seem to provide a means of justifying the 'pro-life' project in the wake of the X case. Legal abortion was now opposed in 'feminist' terms, for instance by arguing that men should be held responsible for their attitudes towards and relationships with women. In this formulation, support for the legalization of abortion was actually an anti-feminist position, since it entailed facilitating the construction of women in sexualized terms.¹⁰ James expressed what he viewed as the impact legal abortion would have in precisely these terms:

James: You'd wonder did the English 30 years ago think, well what's going to be the common sense thing if abortion becomes a method of family planning? How does this affect people, you know, how does it affect young men how does it affect any men who get a woman pregnant and abortion is the standard way to deal with it? How does it affect the woman, how does it affect the man? How does it affect his view of himself, how does it affect his view of his responsibilities?

Lisa: So, what would you say?

¹⁰This resonates with feminist concerns, expressed for instance by Petchesky, that feminists should be wary of campaigning wholeheartedly for abortion rights for women, because such a position 'lets men and society neatly off the hook' (1986:7).

James: I'd say it removes responsibilities, it takes all the pressure off, and the result is you've more young men, or men generally now ... who don't see getting a woman pregnant as an issue of personal responsibility any more. ... You've had a massive series of knock-on effects in other areas, which, you wonder, did people ever think about? And I wonder did the feminist movement, when it took abortion and reproductive rights on as a core value, ...I think it's been a disaster for women and for the feminist movement because its ... shifted women totally into disposable objects, and it's shifted responsibility off men. (Interview, 12th December 1996, Dublin)

This apparent alignment between anti-abortion and 'feminist' concerns both relies on, and reproduces, through a traditional heterosexist discourse, a maternal and explicitly dependent construction of women, and a paternal and 'responsible' construction of men. This does not accord with a broad feminist politics concerned primarily with transforming gender relations.

Furthermore, while James's articulation of a cooperative attitude towards feminism, on the basis of a shared concern to avoid the construction of women primarily as subordinate sexual objects, indicates a degree of recognition of me as a feminist, he nevertheless positioned feminism, and thereby myself, with 'the English', in opposition to Irish national concerns. In other words, James articulates his anti-abortion position as national, in contrast to my possibly feminist position as not-national. In this way, the anti-abortion concern with defending the 'unborn' against abortion, through exercising a necessary control over women, is justified in national 'insider' terms.

The contradictions involved in this 'feminist' anti-abortion discourse produced a tension which can be seen, for instance in a comment from Helen, '... the saying

that was used, [...] in the pro-life organisation[s] [was] that if wombs had windows, would there be any abortion?' (Interview, 13th December 1996, Dublin). Despite her expressed concern with the personal impact abortion might have on women, Helen here rearticulates a discourse which constructs women not only as incidental to pregnancy, but as barriers to obtaining true knowledge about the nature of pregnancy. How centrally concerned with women is this?

However, it would seem, from the range of statements made by anti-abortion interviewees, that the X case had decisively positioned pregnant women within the hegemonic discourse of pregnancy and abortion. This recognition that women were not simply incidental to pregnancy would appear to undermine the anti-abortion assertion of a national anti-abortion culture, and hence the legitimacy of anti-abortion assertions of authority over women.

Anti-Abortion Politics as Anti-Colonial

I think that they *fought* to be Catholic for so long, in some ways, through history, that they are [...] stronger Catholics because of it, and so they are not willing to let go of their Catholic pride. (Interview with Jane, an anti-abortion Canadian, 14th May 1997, Dublin)

A key aspect of the interviewees' articulations of political subjectivity involved an attempt to re-employ the anti-colonial antagonism which had hegemonically constructed the significance of abortion in Ireland prior to the X case. This involved constructing Ireland primarily as not-England, as already mentioned, translating specifically into a construction of the nation in terms of the Catholic patriarchal family and its moral sophistication, expressed in 'pro-life' anti-abortion terms. Even from Jane's nationally 'outsider' perspective the abortion

issue is constructed as an issue of religious identity, defined, in anti-colonial terms, as politically resistant.

The first aspect of this anti-colonial anti-abortion discourse, constructing the nation in terms of the patriarchal Catholic family, was expressed, for instance, by Eoin, as he discussed his motivation for becoming involved in 'pro-life' politics:

... I read, somewhere, [about] a case in the ... Appeal Courts in England where it had held that the father had no rights at all, that the unborn child had no right to life, that he [sic] had no right to life until he was born ... that it was the *mother* who was the person who had all the rights. The child had no rights, and the father had no right to *assert* the child's right. And that was a case where a father had *challenged* the mother, the mother's *right* to have an abortion and *lost*. Now Ireland as you know has a written Constitution, and citizens have rights under Article 40. A citizen is, to be a citizen you had to be born, prior to 1983. So some of us felt that the *unborn* should be given citizen's rights. (Interview, 9th December 1996, Galway)

Here Eoin constructs the significance of the abortion issue precisely in terms of an antagonism between Ireland and England, played out through competing claims to authority over children between mothers and fathers. In his own view, Eoin began campaigning for foetal rights on the basis that he wished to prevent the State recognising women ('mothers') as authoritative over pregnancy, a situation which he associated specifically with England, and which he rejected. He justifies this in explicitly national anti-colonial terms, '[n]ow Ireland as you know has a written Constitution ...'. His focus on the Constitution is significant in two ways. Firstly, Ireland is referred to as having a written Constitution,

implicitly in contrast to England, signifying a more democratic state structure, allowing citizens such as himself to campaign to produce a change in the basic law governing the state. Secondly, the Constitution is the site of recognition of national sovereignty. Thus, focusing on the Constitution in particular, rather than, for instance on legislation or judicial decisions, already constructs abortion in nationally significant terms. In other words, this particular statement positions the speaker on the terrain of nationhood, in anti-colonial terms, through a specific reference to the Constitution, while also constructing anti-colonial opposition in terms of defending the gendered familial nation. Thus, the abortion issue is constructed by Eoin as a major site of resistance to colonial culture, through providing a means of defending the gendered family. This apparently serves to justify the anti-abortion project of removing decisional authority over pregnancy and consequently over women's embodiment from women themselves.

James elaborates on this anti-colonial construction of national religious morality as a major factor inspiring the politicization of abortion:

I've just been surprised talking to English people, how ignorant they are about abortion. I think Irish people are much more tuned in because it's been a raging debate here, and it's ... in the, it's, foreign journalists have said it to me, that the Irish debate takes place on an unusually high level, you never hear, you're talking about public debates on the rights and wrongs of ectopic pregnancies and double effects and morning after pills and all this kind of stuff. I mean that simply is at a different level to, I mean I know a pro life organisations abroad who wouldn't, simply wouldn't know what those issues were, because they never have to address them, because it's at an entirely different level. And I've heard people at bus stops arguing the

difference between medical intervention and abortion, or taxi drivers argue it or discuss it, and that's because it's been discussed, and it's part of the political jargon, it's part of the public debate. (Interview, 12th December 1996, Dublin)

The sophistication of the debate in Ireland is contrasted with the simplicity of public concern about abortion specifically in England, where control over abortion decisions is assumed to rest with women, implicitly constructing Ireland as a morally literate, because religious, popular culture. Eoin explicitly characterised the nation as follows: 'I think Irish people, way down the centuries, they have been fundamental *believers*, and they had simple faith that carried them through the difficulties ... ' (Interview, 9th December 1996, Galway).

This construction of Irish culture, through religion, as morally superior to English culture was also expressed through a discourse of class. Eoin, for instance, explained the centrality of class distinctions to English culture as an effect of secularization, claiming that '[y]ou can't serve God and manna [sic]'. In commenting on social change in Ireland, he argued that:

... [social changes] come from, I suppose, [a] secular sort of society, and the world we live in, where money is the god, money seems to rule everything now, and in the old days people were happy when they had enough to live on and they weren't crying about poverty. I mean look at the scandals we have now, [...] we used to read in the newspapers here about the sleaze in the United Kingdom, sleaze in Parliament we'd read, and we read about our own Dáil here, and sure we're only hypocrites, and we're only scratching the surface of it. (Interview, 9th December 1996, Galway)

Materialist attitudes, which he argues are derived from secularism, epitomized by England, are becoming increasingly evident in Ireland, in this view, as religious authority is replaced by a concern with money. Eoin went on to lament the increase in street crime and drug use, as a result of this new secular culture, as well as an increased expectation of class privilege from the wealthier and better educated groups. Clearly, a return to poverty and religiosity would restore national morality.¹¹ A ban on abortion is viewed from this perspective as a means of guarding against the further encroachment of secular materialism, since it would constitutionally secure religious morality as definitive of the national will. In these terms, the anti-abortion lobby articulates a distinctively anti-colonial discourse, from an explicitly 'insider' position which is concerned to resist the encroachment of 'outside' culture and values.

From this perspective Ireland was at risk from a form of cultural imperialism which sees the control of population as the answer to the world's problems. Such population control policies pose a threat to the survival of the Irish family, and consequently Irish morality and Irish culture generally:

I mean, when you look at our government, ... and see what they're doing to the family, the family must be broken down, and we must adopt the United Nations formula for the family, which is any two people who agree to live together constitutes a family [...] I see it as [a consequence of] the hold of what you might call the world population programme, which again is largely accommodated by the United Nations, and to which the British government contributes significantly. And Irish International Planned Parenthood Federation.

¹¹The peculiarity of this position was emphasized by the affluence of Eoin's home, where the interview took place.

The answer to everything is ... population limitation in a word, and abortion is the ultimate way of limiting the population. This is what they've been telling people at Beijing, and Cairo, and Istanbul, this is the answer to the world's problems. (Interview, 9th December 1996, Galway)

Abortion access is equated here with 'outsider' concerns to limit the reproductive capacities of the nation, through affecting the reproductive capacities of national women. Thus, women's bodies are constructed here as the site of a neo-colonial struggle which places the survival of the nation itself at risk. Only by asserting official control over women's bodies can the republican project, concerned with representing the morally defined nation, survive.

This articulation of Irish culture as morally opposed to and indeed vulnerable to 'population control' policies was elaborated as a specifically anti-eugenic position by James:

I can't understand how in English hospitals Down's Syndrome babies are let die! I can't understand how in Holland, you don't see too many people in wheelchairs in Holland and there's no secret about that I can't understand how in Holland again, they have quite low healthcare costs because they don't have serious costs for the elderly, because people get badly ill and long term illnesses and, the euthanasia thing kicks in and the problem is solved! And, ... you walk through Amsterdam and it's this fabulous city and its fantastic lifestyle and all the rest and then you think hang on a minute what's this, what's this based on? This is based on a social policy [...] that was contrary to the idea of certain freedoms ... (Interview, 12th December 1996, Dublin)

Here James constructs Irish anti-abortion morality as opposed specifically to a eugenic culture which necessarily compromises human freedoms. The equivalence articulated here is between wealth, lifestyle, and a eugenic morality, in opposition to Irish concern with human freedom, expressed through anti-abortion morality. Thus, the anti-abortion lobby is specifically aligned with concerns to defend human diversity and imperfection, and opposed to what is implicitly constructed as a quasi-fascistic culture which is primarily concerned with consumption and wealth at the cost of human freedom. The anti-abortion position is thereby established as a resistant politics, in distinctly national terms, specifically concerned with defending human frailty and weakness against domination.

Thus, this anti-abortion view draws on the anti-colonial tradition to construct its project as one of resistance to cultural domination. In this specific context, feminism represents a major threat of cultural imperialism. Eoin explained the increasingly liberal culture in Ireland in these terms:

I think that the Women's Liberation Movement must have had a part in it [liberalisation], and you know in the same way as they have had in America, and in America I think they're regretting it now, they're trying to pull back from all of this. We haven't gone that far yet here...

(Interview, 9th December 1996, Galway)

Feminism, or the Women's Liberation Movement, is constructed here as an alien threat to Irish culture. Its distinctly non-national character is emphasised in Eoin's reference to its impact in the U.S.A. This strategy again justifies the anti-abortion aim to secure control over women's bodies in national 'insider' terms by characterizing its opponents as 'outsiders'. Eoin's articulation of this

perspective on the impact of feminism in Ireland, against which he positioned his anti-abortion activism, signifies an explicitly defensive attack, in the light of his suspicions concerning my own perspective on abortion. For example, when I asked for his opinion on Mary Robinson's presidency he replied that the question wasn't fair, because if he said that he didn't like her, I would accuse him of being anti-feminist. Thus, his attack on the impact of the Women's Liberation Movement was an overtly confrontational comment from a participant who suspected that his interlocutor was in fact his political opponent. His desire not to be labeled anti-feminist, however, was strangely inconsistent with his attack on the Women's Liberation Movement, suggesting a defensiveness in the context of a perceived rupture in anti-abortion hegemony in the wake of the X case, where feminism was no longer constructed as a threat to national survival.

In discussing the agenda of the 'pro-choice' lobby in Ireland, James did not simply construct that lobby as a threat to national culture. Rather, he constructed reproductive rights politics as a native, if anomalous, legalistic response to a complex problem:

I'd say there [...] are very few, very small percentage which would ... go all the way, with pro-choice, and even a lot of them I think would do so on legal grounds, rather than, you'd find very few people in Ireland who would say that abortion, you know, who would say that abortion in Ireland is not a human life, and ... who take the position that is much more common abroad. The majority of people in Ireland are very uneasy with it, and I think even people on the other side to the Pro Life Campaign are very, are uneasy with abortion, they don't like abortion, and even if they think it should be a right, that doesn't

mean they personally support it themselves ... (Interview, 12th December 1996, Dublin)

Given that the X case had effectively produced a limited accommodation between feminism and the nation, in the sense that advocacy for abortion access in that case became a means of defending family integrity against the infringement of rape, James's comment above could be viewed as a limited recognition of the 'insider' status of feminism, although only in not-quite 'pro-choice' terms. The X case had made the construction of feminist reproductive rights discourse as an 'outsider' politics more difficult. However, at the same time, anti-abortion discourse remained committed to producing an opposition between national morality and reproductive rights politics. Hence, feminist politics could only be recognised in 'insider' national terms if its commitment to women's reproductive rights was constructed as inconsistent with its more basic 'Irish' concerns, namely with the protection of human life.

Thus, anti-abortion discourse attempted to 'suture' Irish political space in the wake of the X case by articulating an anti-colonial position which re-employed a primary antagonism between national 'pro-life' morality, derived from religious culture, and foreign secular 'anti-life' morality, whose materialist logic produced an imperialist and eugenic population control agenda which threatened national survival. However, the general parameters of this discourse relied on ignoring the complexity of political debate produced by the X case. In particular, this aspect of post-X case anti-abortion discourse does not speak to the events of, or public response to, the X case, referring instead to mythologies of nationhood which had both produced and legitimated a national anti-abortion political subjectivity prior to 1992. Furthermore, a necessary aspect of anti-colonial anti-abortion discourse, namely the construction of feminist reproductive rights politics in alignment with 'outsider' secular 'anti-life'

morality, could no longer be simply assumed. Rather, the tensions evident in the instrumental reproduction of anti-colonial discourse as a populist anti-abortion strategy indicates the difficulty of any effort to overcome the 'democratization' of political space which resulted from the X case.

Conclusion

The rupture in political space produced by the X case, and the consequent pluralisation of antagonisms, destabilizing the primary opposition which had constructed Ireland as not-England, required that anti-abortion discourse rearticulate its position as national in broader terms than had been previously been necessary, as a means of recovering popular legitimacy. Hence, statements from anti-abortion campaigners articulated their position in democratic, republican, and even 'feminist' terms, as the forgoing discussion has demonstrated.

Nevertheless, there was a clear effort to reproduce an anti-abortion position in narrowly 'popular' terms, by rearticulating the primary antagonism which had operated hegemonically to produce 'pro-life' national identity prior to the X case. Thus, there was an attempt to reunify political space specifically through employing an anti-colonial discourse which constructed Irishness in religious and traditionally familial gendered terms, in contrast to 'outsider' culture, characterized by secularism, individualism, materialism, and feminism.

This latter strategy could not, however, simply ignore the political effects of the X case, and particularly the way that case repositioned women as central to pregnancy, and feminism as not necessarily a threat to the Irish family and hence to Irish nationhood, as constructed in the very terms favoured by anti-abortion activists themselves. The interviews reveal a range of strategies aimed

at obstructing criticism precisely by incorporating opponents' concerns within the anti-abortion project's defences.

The assertion that women's right to travel should not be compromised in the interests of the right to life of the 'unborn' can be interpreted as a recognition that anti-abortion forces could not legitimately claim authority over women's bodies in the wake of the X case. However, anti-abortion activists were unwilling to discuss the significance of the X case in any detail, other than to insist that women's right to travel should not be infringed by a foetal right to life. Furthermore, the major focus of much anti-abortion work during the period when these interviews took place was aimed at securing another anti-abortion referendum, in order to insert an unambiguous abortion ban in the Constitution. Thus, while activists insisted on their concern for democratic principles such as citizen's freedom to leave the state, and articulated their project in terms of a republican concern for the 'common good', as well as an anti-colonial concern to resist cultural colonialism, they were nevertheless actively engaged in attempting to reassert the pre-X case legal and popular political anti-abortion regime.

The next chapter will consider the ways in which feminist political subjectivity responded to the rupture produced by the X case in articulating its position in relation to shifting hegemonic discourses of nationhood and abortion.

CHAPTER SIX

THE X CASE AND FEMINIST POLITICAL SUBJECTIVITY

Introduction

As with anti-abortion political subjectivity, the X case had a significant impact on the national position of feminism,¹ as demonstrated particularly in Chapter Four. The rupture in the anti-abortion construction of nationhood destabilized the hegemonic construction of feminism as an external aggressor in relation to the nation.

This Chapter is concerned with how the X case rupture in hegemonic nationhood shifted discourses of feminist political subjectivity in national terms, a change which is suggested, for example, by the evident articulation of an anti-abortion 'feminist' position discussed in Chapter Five. Thus, the period during which the interviews to be considered in this Chapter took place saw feminism occupying a newly legitimate national position, particularly in the context of abortion politics.

The Chapter is divided into three sections, considering in turn the contexts within which the material was produced; the continuity of a national 'outsider' feminist discourse; and the emergence of 'insider' feminism. These latter two sections will specifically consider competing appraisals of the impact of the X case on the relative national positions on anti-abortion and reproductive rights perspectives. I will first discuss the context for the discussion by briefly introducing the participants, and the circumstances of the interviews.

¹The term 'feminist', as it is employed in this chapter, defines a position which supports women's reproductive freedom. Thus, the chapter does not include analysis of anti-abortion 'feminism'.

Interview Participants

As outlined in the Introduction to this Part, this Chapter draws on a set of seven semi-structured interviews with feminist reproductive rights activists. Most interviewees were recruited through their membership of the Women's Information Network (WIN) in Dublin, and WING, the sister group in Galway, although many were also involved in a range of other groups and organizations. WIN was established in the late 1980s, to provide abortion information following judicial prosecution of information providers in 1986, and the consequent censoring of all sources of information (Barry 1988b:60). WING was set up later, with support and training from WIN. The network operated anonymously as a telephone service, providing practical information and support for women seeking abortions in Britain. The telephone number was illegally advertised, for example by putting stickers in women's toilets. The Galway group raised funds largely through running benefits, as well as from individual donations. The Dublin group was financed in a number of ways, receiving donations from individuals and groups. An important source of funding was provided by the Scottish Abortion Campaign, whose members ran the Dublin mini-marathon annually to raise funds, obtaining sponsorship, for instance, from Scottish trade unions. WIN also received financial support from Dublin student unions, usually in return for providing telephone counselling training. The group collaborated with the London-based Irish Women's Abortion Support Group (IWASG), which provided support to women on arrival in London.² WIN members also worked closely with the British

²IWASG members would meet women travelling alone and offer accommodation in their homes, when needed. Financial assistance was also offered, largely in the form of negotiating reduced rates, staged payment, and a number of free beds with the clinics. Although still in existence, the group was relatively inactive by the time these interviews were carried out, given the changing legal context. See Irish Women's Abortion Support Group (1988) for a description of how the group operated.

Pregnancy Advisory Service (BPAS), who provided training for the group, as well as financing and managing the publication of WIN's information booklet.

Following the X case in 1992, and the subsequent Constitutional recognition of women's right to receive information on abortion services available abroad, these groups, which had been primarily information and support services operating illegally, disbanded, particularly since well established organizations such as the Irish Family Planning Association could now offer abortion information and support legitimately.

Other groups to which participants had belonged had also ceased to operate by the time the interviews took place. The Anti-Amendment Campaign had been established to counter the PLAC in the run-up to the 1983 referendum. Subsequent associated campaigns to have the Eighth Amendment repealed gained strength in the immediate aftermath of the X case injunction, particularly in the context of the Maastricht Treaty referendum. However, these campaigns have subsequently declined, in the light of the Supreme Court's decision that the Eighth Amendment allows for a right to abortion in particular circumstances. Thus, the X case had a major effect on feminist activism in the field of reproductive rights, not least by ending the previously illegal activities of information and support providers.

Of those who participated in the interviews, two, 'Sinéad' and 'Marie', lived in Galway, and the other five in Dublin. 'Sinéad' worked in a book shop, and had been involved in WING, as well as the Galway Repeal the Eighth Amendment Campaign.

'Marie' an academic, had also been active in both WING and the Galway Repeal the Eighth Amendment Campaign. She had previously also been active

in the IWASG in London. During 1992, she had campaigned against the Maastricht Treaty from a reproductive rights position.

Of the five Dublin interviewees, 'Jo' was a member of WIN as well as a student activist. At the time of the interview, she had just completed a doctorate, and was about to emigrate to the United States.

'Catherine', a development worker, had done some work for the Anti-Amendment Campaign in the early 1980s before emigrating to Britain. She had been briefly involved in IWASG while she was in London, and had been involved in WIN since her return to Ireland in 1987.

'Ruth', an ex-journalist and trade unionist, had also been involved in WIN, as well as in its forerunner, the Defend the Clinics Campaign, which had been set up in response to the prosecution of pregnancy advisory organizations offering abortion information and support during the 1980s.

'Susan', an academic, had been an active feminist since the mid 1970s, when she had been involved with Irish Women United during her undergraduate years.³ She had emigrated to the US, but returned to Ireland in 1984. She became active in reproductive rights politics specifically following the X case in 1992, when she joined the Repeal the Eighth Amendment Campaign.

'Aileen', also an academic, became involved in the abortion conflict as a student union activist, and was prosecuted by SPUC for disseminating abortion information during the 1980s. She had emigrated to London where she was active in IWASG, before returning to Ireland in the mid 1990s. At the time of

³For details on this group and its relationship to the women's movement in Ireland see Mahon, 1987:61.

the interview, she was involved in setting up the Alliance for Choice, a campaigning organization aimed at publicizing the 'pro-choice' position, in order to underline the lack of anti-abortion consensus.

Interview Contexts and Power Dynamics

The interviews were held in participant's offices, as well as in coffee shops and one case in a pub. As already mentioned, I had explicitly presented myself to this group as a political 'insider', a member of IWASG, who had also been marginally and briefly involved with the Galway Repeal the Eighth Amendment Campaign after the X Case, before emigrating. The interviews were largely characterized by an atmosphere of friendly helpfulness, despite my nervous interviewing manner and awkward presentation of myself and my research. I was sharply aware of my inexperience at interviewing, particularly when talking to academics and journalists, and was also impressed by the courage and conviction of the women I met. Thus, the instability of my 'insider' claims were in play, at least from my own perspective.

On the whole, however, these participants were supportive of the research, although some did express disagreements with my arguments. Participants did not attempt to limit what questions I could ask, and spoke to me primarily as a feminist researcher, rather than, for example, through a discourse of familial identity or professional authority. Thus, the material to be discussed in this Chapter was produced in a context of shared political subjectivity, although there were some differences, for example, over whether or not national discourses were particularly significant, or in what ways they came into play. This was particularly the case in the interview with Ruth, who argued that it was the Catholic Church rather than ideas of nationhood, which she defined in republican anti-authoritarian terms, that was responsible for the popularity of anti-abortion politics. Furthermore, as already mentioned, my unease in relation

to the 'insider'/'outsider' tension meant that I concluded some of the interviews quite quickly, and was sometimes reluctant to ask too many questions which might position me emphatically as a political 'outsider'.

The next sections will consider alternative interpretations of the political significance of the X case from reproductive rights activists. Specifically of interest is the construction of this feminist political position in the context of the rupture in hegemonic anti-abortion nationhood discourse.

Post-X Case Feminist Political Subjectivity

Competing appraisals of the connections between nationhood, abortion, women's citizenship, and feminism characterize post X case feminist political subjectivity. A residual discursive construction of feminism as not-national was evident, a perspective which viewed the X case as irrelevant to the position of women with crisis pregnancies.⁴ However, the major reformulation of feminist political subjectivity following the rupture in anti-abortion hegemony positioned feminism, to varying extents, more decisively 'inside' the nation, as the following discussion will demonstrate.

Residual 'Outsider' National Political Subjectivity

A residual discursive construction of feminism and nationhood in exclusive and opposed terms was evident in the perspectives of some interviewees, particularly in considering the impact and political significance of the X case itself.

⁴Although I employ Raymond Williams's Marxist scheme distinguishing the residual and the emergent, this is not intended to suggest an eventual dialectical transformation into domination, as Williams's scheme does (1981:204). Rather, the terms are applied in post-structural terms, which take for granted that these relative positions are neither mutually exclusive nor necessarily stable. In other words, the residual can both become, and contain elements of, the emergent, and *vice versa*.

From this perspective, popular attitudes to abortion were not particularly transformed in response to the events of the X case. Rather, the popular response remained at the level of shock and sympathy with a particular set of circumstances. For example, Marie argued that the failure of the X case to make any broad political impact was due precisely to a disjunction between feminist and national-popular political discourses. As she explained:

... because of the [...] lack of [...] articulation of the feminist argument consistently all the time [during the 1980s and early 1990s] [...] we had no reservoir to draw on [when the X case occurred] and as well as that we were exhausted, and [...] there was no centralized cohesive sort of centre to this. We were awash with all this emotion, and the women TDs [politicians] kind of finding it possible to talk together, you know, talk in one group, on the subject and stuff. And again it just became, a huge [...] personal tragedy for this woman, as opposed to the politics of what put this particular woman [in this particular situation]. And that's the way the thing was *handled* - we feel sorry for this particular woman and this is a *terrible* thing [...] everybody was bleating and beating their hearts [...] but the whole thing that put the damn thing in place got *ignored*. (Interview, 9th December 1996, Galway)

In other words, feminism was unable to make any impact on popular attitudes to abortion through the X case because it was unable to articulate a response in national-popular terms, not least because it lacked the energy to attempt to do so after the long struggle since the Eighth Amendment had been ratified in 1983. Thus, Marie insisted that popular outrage at the circumstances of the X case remained at the level of compassion and sympathy, and did not transform political attitudes to abortion.

This interpretation of the X case in terms of a discourse of feminist political subjectivity as 'outside' the nation can be seen, for instance, in a comment made by Susan on the continued silence over the practice of abortion access in post-X case Ireland:

There was a *Late Late Show* [television talk show] about a month ago on people whose children commit suicide. It was very moving and [...] everybody admired it and they admired Gay Byrne [host] for the way he handled it and the courage of people who were all parents, to talk about their children. And a lot of us were thinking actually [...] they'd *never* do a bloody *Late Late Show* on women who'd had abortions, and have them on to talk about it, and the dilemma, and the horror and the misery and [...] the negative parts of it. And also on the other hand the reason why they had to do it and why they got the decision in the end and how they got on with their lives, which is all part of the picture. (Interview, 15th May 1997, Dublin)⁵

In this view, not only is there a public silence surrounding abortion access, but the implication in Susan's comment is that popular abortion discourse has remained at a level which is primarily unconcerned with the situations of

⁵The *Late Late Show* has run since 1962, and has been a significant forum of public debate. It has been credited as a catalyst for liberalization, challenging the taken-for-granted authority of the church in particular. The Show's adaptation of traditional oral culture has been key to its success. The host, Gay Byrne, informally interviews guests, including representatives of the church and the State, on the basis of a minimum of information, combined with a significant amount of audience participation. Thus, powerful figures have been challenged face-to-face in an informal 'domestic' setting. The issues raised by the Show, including those of sexuality, Traveller's Rights, feminism and republicanism, and indeed abortion, have provoked debate in the press and across other broadcast media, as well as in the Dáil. The famous 'Bishop and the nightie' incident highlighted the controversial status of the show in the 1960s, when a game about what women wear on their wedding nights provoked a Bishop to call the Show in disapproval, provoking a critical national media debate on the church's attempts to control sexuality within marriage (Pettit 2000:166-170).

women who have had abortions. In other words, the X case had not shifted the terms of popular discourse from a primary interest in the moral status of the foetus towards a consideration of the complexity of circumstances within which women obtain abortions. However, in Marie's view, highlighting the conditions under which women obtained abortions would not in itself undermine anti-abortion hegemony:

... the harrowing process that one goes through when you have a crisis pregnancy and you're trying to get the information, you go to England and you come back and all that sort of thing, that's been obscured, and, if we can start to talk about that, I think, Irish people will *still* be able to shut it out, and say fair enough, you know, you can go to England, we're not going to have it here. (Interview, 9th December 1996, Galway)

Marie compared the response to the X case with popular attitudes towards reports of famines in Africa, pointing out that while sympathy and support may have been expressed towards X and her family, as it usually is towards famine victims, this did not lead to a politicization of the issues involved.⁶ The construction of this parallel illustrates the tension between 'inside' and 'outside', from this residual feminist position. First, it parallels popular attitudes to girls and women experiencing crisis pregnancies, such as X herself, with popular attitudes to 'foreign' disasters, such as famine in Africa. Feminism is positioned here within the terrain of advocacy for women's reproductive self-determination. Thus, feminism is aligned with girls and women seeking abortions. However, this does not simply construct attitudes to abortion and

⁶As Marie said: 'maybe it's like famine in Africa, when you're presented with this enormous personal tragedy [...] what comes back is amazing sympathy and support and everything, and all of those really really important things, but the politics gets lost in it. I'm not certain that the politics were addressed at all' (Interview, 9th December 1996, Galway)

advocates for abortion access as though these were simply 'foreign' concerns, since popular responses in Ireland to famines abroad tend to be particularly sympathetic, as a result of the resonances with the Irish potato famine of the mid-nineteenth century. Indeed, public commemoration of the 150th anniversary of the famine of 1845-49 was in progress during the period when the interviews took place. Thus, the perception that abortion and abortion advocacy were popularly viewed as 'foreign' issues was tempered by the specific parallel with famines, which carry a distinctly national inflection. However, the overall impact of the X case, in this view, nevertheless did not transform popular attitudes to abortion, not least since, in Marie's opinion, the case had made no difference to those women who continued to travel abroad in secret for abortions.

Other effects of the residual construction of feminist politics as not-national can be seen, for example, in Marie's view that abortion law would never shift in response to feminist politics. Her position depended both on the idea that, as she put it, 'the Irish psyche has a special place for abortion', and that feminism in Ireland did not have the energy to campaign for change, largely as a consequence of always having to resist its 'outsider' construction:

I find it difficult to see where the momentum would come for a renewed [reproductive rights] campaign, given that we've lost the best part of sixteen years in terms of presenting the feminist arguments. It['s] almost like starting in 1979 when the pregnancy counselling groups got going, it seems to me, so there isn't a huge motivation, or energy, or space within the women's movement, and it certainly won't come from anywhere else. (Interview, 9th December 1996, Galway)

As Marie sees it, the 'outsider' position of feminism provided it with an already onerous task in trying to establish a national legitimacy for its general position, before it might make any significant impact on attitudes to abortion. Specifically, Marie characterized feminist campaigning during the 1980s, which tried to circumvent its own political marginality by articulating arguments within the terms of debate established by the anti-abortion lobby, as naive:

I *really really* thought that *if* we galvanized the middle of the road, that the so-called sort of decent person could see that you *can't* do this. I really believed that, [...] and at the beginning of the nineties to look back and say well, damn it to hell, why was I so naive, to have *thought* that we could shift the ground to that extent? [I] regret taking part in a middle of the road campaign that *banished* and *silenced* the feminist politics. (Interview, 9th December 1996, Galway)

The 'insider'/'outsider' tension was also central to Marie's discussion of her own abortion, at a number of levels. Not only did this disclosure during the interview contest hegemonic constructions of nationhood in terms of abortion, it also produced an 'insider' construction of feminist political subjectivity in terms of women's reproductive decisions. The feminist 'insider'/'outsider' dimension of the research context itself also came into play. As she said,

[I have] gone through the experience now of having a crisis pregnancy, and choosing to terminate that pregnancy, and just again at the level of my own existence I found that an immense decision. And I was, I suppose, overwhelmed that I was giving *myself* the *right* to end a life. And I didn't actually understand the power of the other arguments until such time as I found myself in the position. [...] I never doubted that I had the *right* to do this, but what it brought

home to me was the *enormity* of responsibility I was putting on myself. And because of my politics, the extraordinary freedom of choice I was giving to women in general to make these decisions, and I subsequently went on, I became pregnant again and I now have two children and I also had miscarriages, so I've had a number of different relationships to the whole thing about pregnancy, and the ending of pregnancies and having babies and things. And I wonder [...] whether it strikes at the *heart* of relations between women and men, because the feminist position which argues a right to choose is *giving* enormous, is *trusting* women, with life and death issues. [...] [W]hy would *patriarchy* give that *right* to women when it denies them an awful lot of more *basic* kind of rights? [...] [I]t's such a radical *power* [...] to *give* to women, because its sidelining men completely.

(Interview, 9th December 1996, Galway)

First, Marie explicitly contextualised the discussion of her abortion experience as a feminist political strategy aimed at breaking the silence surrounding Irish women's abortions, although she underlined that this was an extremely difficult burden to carry on an individual level. Thus, discussing her abortion experience in the interview was intended to undermine the construction of Irishness as anti-abortion, and consequently contest the construction of feminist abortion advocacy as 'outside' national commonsense.

Second, Marie's discussion of her abortion underlined her female feminist identity, and placed her political activism in an 'insider' context in relation to reproduction. This construction of pregnancy, miscarriage, abortion, and birth clearly views women's bodies as the moral territories of women and feminists, albeit not in distinctively 'national' terms, in direct opposition to the construction of women's bodies as the moral terrain of the anti-abortion

national political subject discussed in Chapter Five. Thus, while Marie's reproductive history did not of itself motivate her feminist politics, it underlined to her, on a personal level, the significance of feminist politics. Her feminism was situated 'inside' women's complex decision making in relation to reproduction, in contrast to the 'outside' situation of anti-abortion discourse, characterized here as a patriarchal interest in denying women any power over what she describes as life and death issues.

Third, Marie's discussion of her feminist subjectivity in the context of a research interview explicitly articulated that context in 'insider'/'outsider' terms. Her explicit effort to make an impact on the public silence surrounding Irish women's abortions through the interview involved a deliberate employment of the 'public' character of the interview. Thus, my position as researcher was aligned with the 'public' audience, and thereby constructed as 'outside' feminist politics, although sympathetic, at least for purposes of the interview itself.

Thus, this articulation of a national 'outsider' feminist subjectivity nevertheless resisted that construction, and at the same re-employed an 'insider'/'outsider' tension both in positioning feminist politics within the terrain of women's reproductive moral dilemmas, in contrast to anti-abortion patriarchal politics, and in situating 'insider' feminist political subjectivity in opposition to 'public' attitudes to abortion, particularly through strategies adopted in the interview itself.

Emergent Discourse: Feminism and Shifting Nationhood

However, the more generally articulated discourse of feminist political subjectivity following the X case did not construct nationhood as necessarily anti-abortion and consequently anti-feminist. From this emergent perspective, the X case had underlined, in unequivocally national terms, the moral

complexity of abortion decisions. Thus, the anti-abortion boundaries of Irishness had been destabilized.

The X Case, Abortion and the Familial Nation

... that was what was really good about the X case, people knew the detail of one individual's story, [...] it was a story that you couldn't but be sympathetic to, I mean it wasn't a hard story, like some of the harder ones that we would have come across in Women's Information Network, so, young people especially were able to put themselves in the shoes of that girl, and say, well, if this happened to me, what would I do? And parents who had teenage kids were able to say, if this happened my daughter what would I do? And they weren't able to say anymore I'm either for abortion or I'm against abortion, they had to think about it through a set of circumstances that were [...] real, [...] nobody was making it up [...], nobody was saying, theoretically you know, at so many months, or, you know. It was a real situation, a real family, and the whole issue of child sexual abuse as well was so [...] at the front of people's minds, that it, it just really brought it home to people I think, the [X] case. (Interview with Ruth, 13th December 1996, Dublin)

The particular circumstances of the X case drew popular attention to the complexities of abortion decisions, in specifically national terms, through the familial context of the case. As Ruth suggests, the specific position of X as a daughter allowed a popular identification either with X herself, or with her parents. The case underlined how crisis pregnancy situations might arise 'at home', in the family, and hence within the terms of nationhood. As Jo commented 'if she'd have been twenty now, it would have been very different,

but I mean the fact she was fourteen ... ' (Interview, 11th December 1996, Dublin). Thus, abortions might be not only morally legitimate 'at home', but actually necessary in order to maintain the integrity of the family, and hence the boundaries of the familial nation, particularly in response to sexual violation.

As Ruth pointed out, a major issue which the case politicized was that of sexual violence, particularly against children. This was connected to popular and official concerns over the right to travel, as Part Two has indicated. In Jo's words 'the Irish State could not be seen to [...] be imprisoning children on the island', and particularly not in a context where the particular imprisoned child was a victim of sexual violence, and her efforts to leave the island to seek an abortion were part of her struggle with the effects of that violence. Thus, the 'pro-life' nation's action in defending the right to life of the 'unborn', effectively supporting the action of the rapist, was popularly considered to be illegitimate. As Jo commented,

I remember a lot of people saying at the time, "God we can't be seen to be this you know sort of Banana Republic", you know, sort of attitude, again, "God! what must the rest of the world think of us, this last bastion of, these archaic [attitudes]". (Interview, 11th December 1996, Dublin)

The moral complexity which the X case highlighted, by drawing public attention to familial contexts wherein abortion might be perceived as necessary, aligned feminist advocacy of abortion access with a concern to maintain the integrity of families, and the decisional authority of parents over their daughters. Thus, feminist advocacy of abortion access could not, in this view, continue to be constructed as 'outside' of the concerns of the 'pro-life' familial nation.

Feminism as Nationally Heroic

The X case provided a moment of popularity for reproductive rights activists, who had previously hidden their activities because of fear of prosecution. In the context of popular protest over the State's actions against X, reproductive rights activism became, at least momentarily, distinctively national and even heroic. Catherine illustrated the transformation in the popular status of feminism in the context of the X case:

[T]here was an awful lot of support for us round the time of the X case. I remember [...] giving a public speech at a *huge* march in Dublin, the biggest reproductive rights march that was on in Dublin and they'd a whole load of people, and I mean it was crowded, but we got down to O'Connell Street and there was a huge van, a high van, and those of us who were speaking had to get up on top of the van and speak to everybody. [...] it was *mobbed* like, really mobbed. And I remember [...] just saying who I was and who I was from [sic] and all this kind of thing, and there was a *huge* cheer, just an absolutely huge amount of support. [...] people came up to me afterwards [...] who I know through my work and everything else [...] and said, you know, "fair dues", and "well done" and "that's great" and "I'm delighted that it's the likes of you doing it", and, [...] I think, cause we always kept ourselves very confidential and never publicized it and that sort of thing, you know, it was always like, "who's going to go public?" and all that kind of thing. So I think for some people it was a matter of sort of finally seeing somebody that they knew who was part of it, so that you could put a face to this group that was existing ... (Interview, 10th December 1996, Dublin)

Thus, feminist political subjectivity was not only, at this moment, not constructed as a threat to national identity, it was publicly celebrated on the main streets of the nation-state's capital city. As Catherine pointed out, people who knew her from other contexts congratulated her, saying 'I'm delighted that it's the likes of you doing it', an effect, in her view, of making this previously criminalized and faceless group familiar. It could also be interpreted as an indication of the repositioning of the political identity of that group in relation to the nation, as a consequence of the X case.

Ruth explained the position of reproductive rights activism during the 1980s and early 1990s:

... when we decided to set up the help-line, I mean at the time, the pro-life movement, I don't think young people today understand, even though it's not that long ago, but they really were on the offensive, and they were prepared to chase after individuals and groups, and take them through the courts, right up the line [...]. They had enough public support, and they also had the capacity, the organizational and financial capacity [...] so we had to decide when we set up Women's Information Network are we prepared to go to jail, and one of the questions around that was, are we prepared therefore to say publicly that we're doing this work... (Interview, 11th December 1996, Dublin)

Thus, prior to the X case, feminist political activism was not only constructed as 'outside' the nation's anti-abortion morality, it was criminalized. The X case dramatically transformed that criminalized political identity into one of national heroism, distinctly 'inside' national morality. The perception among feminists of a dramatic transformation of their position in the nation was articulated by Jo:

Normally now for example I wouldn't have told people you know that I was involved with WIN, [I] would have told younger female friends but not older ones, and certainly not guys, but, at the time, suddenly this was "You do! oh that's marvelous, oh that's great!" like you know, all of a sudden, this was like so much more okay. It dragged the real fundamentalists out of the closet as well at the time, it was certainly a much more hotly debated issue, rather than something that wasn't talked [about] before that you know, but, it certainly brought it out into the open, and got everybody talking about it. (Interview, 11th December 1996, Dublin)

In Jo's view, the sudden shift in attitudes towards feminism did not decisively transform attitudes towards abortion. Rather, the X case politicized abortion law in a new way, which involved taking reproductive rights discourse seriously for the first time. Thus, the polarization which had characterized abortion positions prior to the X case had been undermined. In this newly democratized context, a greater range of perspectives could be publicly expressed. This meant, for instance, that it became much easier to do reproductive rights work, even before the law on information provision had actually changed. Catherine explicitly made this point:

... there was definitely a change after the X case. I mean, one, it was much easier, we were practically legal, [...] everything was easier. In the early days we used to be worried about going to jail, that kind of thing, we used to wonder you know, well, who'd do it, who'd go public, etc. etc. [...] After the X case things were much easier. (Interview, 10th December 1996, Dublin)

One significant indicator of this change in the debate, as Ruth, herself a former journalist, saw it, was the treatment of the X case by the national media:

... the media will never run with something that's contrary to public opinion. They'll always go with the safest bet, and I think when people in big numbers started to come out on the streets around the X case, they then realized they have the freedom to be a bit fairer about the issue I think than they had been. (Interview, 13th December 1996, Dublin)

The media, in this view, gauge the 'insider' status of particular political positions. Thus, the 'fairer' coverage of feminist perspectives in the wake of the X case indicates a shift in their popular status in Ruth's view.

Anti-Abortion Politics as Fundamentalist

I think, now, they [the anti-abortion lobby] are a minority voice, and I think that [...] they've not only lost support but they've actually alienated themselves from a lot of people who would have been their bedrock, a long time ago. (Interview with Ruth, 13th December 1996, Dublin)

A major effect of the newly popular position of feminism in national terms following the X case was the consequential repositioning of the anti-abortion lobby to the margins of the nation, from a feminist perspective. Jo, for example, commented that the transformation in the terms of the debate on abortion law saw the explicit articulation of 'real fundamentalism' for the first time.

The emergence of one particularly aggressive 'direct action' anti-abortion group at the time of the X case, Youth Defence, was emphasized by interviewees as an indication of the newly marginal position of anti-abortion politics, as it now adopted overtly 'extremist' tactics:

Youth Defence embarrassed a lot of people [with] their extremism. I think that helped to sort of make that less popular, you know, that you would not, even if you were pro-life, you would not want to be seen to be associated with these sort of lunatics ... (Interview with Jo, 11th December 1996, Dublin)

Thus, the authoritarian political style of this group served to entrench their marginal position. As Catherine commented:

Youth Defence, they were vicious, vicious, vicious [...] on TV a couple of them just came out as [...] really manic and, not humane, and [...] not able to listen, not able to have a discussion basically, [...] I think they're just able to kind of toe the line. (Interview, 10th December 1996, Dublin)

Thus, the new configuration of nationhood in relation to abortion politics following the X case excluded overtly authoritarian politics, from this perspective, which characterized newly democratized political culture in terms of engaged debate rather than assertions and attacks. Catherine articulated her perspective on this group in popular terms, constructing both Youth Defence and anti-abortion politics in general as 'outside' the new national abortion consensus.⁷

⁷Other less controversial anti-abortion groups were also constructed as marginal to the newly hegemonic abortion debate from this perspective. For example, Catherine commented on the

Thus, post-X case feminist perspectives viewed the anti-abortion lobby as newly marginal, largely because it had failed to coherently address the new moral complexity of abortion politics, instead reiterating a fundamentalist position that was no longer hegemonic. This can be interpreted as an effect of shifting national-political categories of 'insider'/'outsider' following the X case.

Nationhood, Feminism, and Women's Rights

Emergent feminist perceptions of a rupture in the discourse of anti-abortion nationhood were based on an interpretation of the X case as particularly significant for women seeking abortions, since it produced a newly popular discourse of women's rights. As Jo explained:

... it became so much more [...] acceptable to talk about these things out loud, and it [...] had [a] phenomenal affect from the point of view of changing people's attitudes. [...] [T]hings really loosened up a lot, and women were far more open about talking to each other about things, and about ringing us. It was [...] I think a lot easier for one woman to go to another and say "Do you know the number of [WIN]?". It was less [secretive] especially down the country, it seemed to have a *big* effect. (Interview, 11th December 1996, Dublin)

According to this perspective, the culture of secrecy surrounding abortion access was seriously eroded by the X case itself, making it much easier for women to obtain information, and to talk more openly about pregnancy and

establishment of a 'Women Hurt by Abortion' group, saying that it had little impact because: '... people realized, well of course women are hurt by abortion, but its not because abortion in itself is wrong but because she's suffering loss, one way or another' (Interview, 10th December 1996, Dublin)

abortion. Thus, the newly legitimate position of feminist advocacy of abortion access facilitated women's self-determination over their reproductive capacities.

Significantly, Jo argues that this transformation in women's sense of entitlement to make such decisions was particularly marked 'down the country', namely outside Dublin, in rural Ireland, a construction which is usually associated with the traditionalism and conservatism of the 'real' nation.⁸ The destabilization of a discourse of nationhood as opposed to, and threatened by, abortion and feminism had a major impact in concrete national terms in this view. This made a significant difference particularly to reproductive freedom in the heart of the 'real' (rural) nation.

Nationhood and Feminism: The Limits of Political Belonging

However, emergent post-X case feminist political subjectivity was not unambiguously resituated within the boundaries of nationhood. The possibility of articulating a feminist reproductive rights position within a consistently national idiom was compromised, both by the new indeterminacy over the meaning of nationhood, and by residual feminist constructions of nationhood in anti-abortion terms, discussed above.

The shifting boundaries of Irishness produced some highly contradictory feminist positions. For example, Sinéad, from her position in the west of Ireland, the apparent source of 'real Ireland', was a politically active feminist, who had been involved in breaking the law and personally getting into debt in her efforts to assist women in obtaining abortions abroad. However, she viewed the impact of the X case in terms of a successfully popularized anti-national narrative. As she argued:

⁸As discussed in Chapter One, the idea of the west in particular signified the traditional nation in cultural nationalism.

... it [media coverage of the X case] was just, a way of painting us [the nation], [...] [as] backward [...], [and] woman hating [...]. It's self-congratulatory as well, kind of saying look, aren't we great and look and this, these crowd over here they're still, you know [...] I mean at the time [...] everyone was going crazy, [...] everyone was very besotted with it. (Interview, 10th December 1996, Galway)

Here Sinéad constructs the attention the X case received as a consequence of a hegemonic anti-national politics within the national media, itself already constructed as an urban liberal force, effectively 'outside' the national rural conservative consensus. She explicitly associates shocked reactions to the case with a perspective, akin to racism, which views the Irish nation as backward and misogynist. As she argued, the reaction of 'foreigners' to the X case was similar to 'our' attitudes to Muslim women. This perspective, comparing a critical attitude to the X case with a racist attitude towards apparently patriarchal Muslim culture, appears to depend on a contradiction between constructing nationhood and feminism as mutually exclusive political identities, while at the same time identifying with both. She explained her position as follows:

I'm quite in between both [feminism and national traditionalism] actually in a way, that I'm not an extreme kind of like, [...] I mean I'm definitely an extreme feminist, but it's just that in every other way [...] I wouldn't have been *mad* for divorce, [...] all these ideas you know that we have to be really modern you know, it just drives me, I hate it like, do you know what I mean? I think there's a lot, you know, that we have to hang onto, I think it's very important... (Interview, 10th December 1996, Galway)

One expression of the shifting boundaries of 'insider'/'outsider' which Sinéad is attempting to negotiate in the context of national and feminist identity was her dislike of sending women to London for abortions. She preferred to send them to Brighton when she could, despite the extra expense, because it was a 'nicer place' than London, since, as she said, it was smaller, and had a harbour. This seems to be an attempt to make women feel 'at home' in England, while at the same time obtaining abortions not available at home precisely because of the construction of 'home' as an anti-abortion domain.

A second major limit to the perception of political belonging by feminists in the wake of the X case was the articulation of the rural/urban opposition through which internal 'outsiders' are hegemonically constructed in traditionalist national discourse. The primary construction of national identity in opposition to England through the abortion debate had been ruptured by the X case. The nation could no longer be simply defined as anti-abortion, and as essentially opposed to and threatened by reproductive rights feminism. Feminists perceived that national identity was now defined in relation to an internal outsider, signified by Dublin, incidentally the location of much feminist politics. Thus, the popular response to the X case was viewed by feminists themselves as not truly national, but rather as a product of not-quite national Dublin (urban) opinion.

For instance, Catherine advised me not to concentrate my research only on the national press. Instead, I should look also at local and regional newspapers in order to get a better sense of the nation's attitudes. As she said

... I think you should have a look at the provincial papers as well, and see what are they saying, locally, [...] cause it would have been very

very different from what the national papers would have been saying, you know. (Interview, 10th December 1996, Dublin)

In other words, Catherine believed that the discursive construction of the abortion debate was significantly different in Dublin and rural newspaper contexts.⁹ The Dublin-based (national) media was not perceived as addressing the same audience as the provincial media.¹⁰ Thus, the continuity of an 'insider'/'outsider' opposition, expressed in terms of (rural) nationhood and (urban) feminism, was also applied to the research process. However, in this context the researcher and the interviewee were positioned on one (feminist, urban) side of the opposition, while the nation was placed on the other. This was further complicated by Catherine's position as advisor on sources of 'really' national attitudes to abortion in the aftermath of the X case, which was relatively more 'at home' than my own researcher position.

However, the sense of disconnection between Dublin-based feminism and the nation which Catherine articulated was also modified by a rejection of the absolute dichotomy between Dublin and the nation:

Whenever I go home alright, I get a bit of a takeback you know, how conservative it all is, you know, they're very conservative down in rural Ireland still, there's no doubt about that, you know, like, the liberals are over on the east coast. I mean if you analyse the results of all the last referendums, the liberals are all on this end, you know, anywhere down the east coast, that's where the liberals are in the

⁹As discussed in the Introduction to Part Two, this study has focused on the national level of debate, and consequently on the national daily press, rather than local weeklies or monthlies.

¹⁰As Aileen commented, discussing criticisms of the media coverage of the X case, '... it's also used *against* the Dublin-based media, the fact that they *aren't* reflecting the views of the majority around the country, and this is something that the campaigners on the right are always throwing [at the media]' (Interview, 19th May 1997, Dublin).

counties, and the further west you go and the further south you go, the more entrenched you get. [...] but then again of course one third of the population lives over on this side anyway. (Interview, 10th December 1996, Dublin)¹¹

Thus, while this position accepts the construction of urban/rural in terms of liberal/conservative, it does resist the construction of nationhood in rural conservative terms, simply on the basis of population size. In other words, the 'insider'/'outsider' construction of nationhood in relation to rural/urban is contested here. Nevertheless, the perceived association between 'Dublin' opinion and feminist politics served, importantly, to compromise the possibility for reproductive rights discourse to consistently articulate its position within a national idiom.

Conclusion

Post-X case feminist political subjectivity articulated competing perceptions of the extent to which the X case had shifted the hegemonic construction of nationhood in relation to abortion, and consequently in relation to feminism itself. A residual discourse was evident, which did not perceive any significant shift in popular national attitudes either to abortion or to feminism. While this perspective continued to construct feminism and Irishness as mutually antagonistic, it did contain a degree of ambiguity concerning the 'outsider' status of feminism and abortion access, expressed particularly by Marie's resistant discussion of her own abortion experience both as a feminist and as an Irish woman.

¹¹This opposition between Dublin/the east coast, and the nation can be traced to the medieval and early modern division between the colonised area around Dublin, referred to as 'the Pale', and Gaelic Ireland. This division provides the origins of the phrase 'beyond the Pale'.

However, post-X case feminist subjectivity was more consistently characterized by interviewees within the ruptured and consequently unstable boundaries of nationhood. The newly legitimate national position of feminism was perceived by feminists themselves as an effect of the particular familial situation of the X case. Nevertheless the connection between feminism and abortion politics was reconfigured in nationally heroic terms, at least in the immediate context of the X case. Feminist advocacy of women's decisional autonomy could now be publicly expressed in terms which were not constructed as necessarily threatening to national survival.

However, the X case did not decisively transform insider/outsider categories in the context of abortion politics, at least from the perspective of feminist activists. Feminism continued to be associated with the internal 'outsider' politics associated with Dublin liberalism, an association which was both accepted and resisted by feminists to greater and lesser extents.¹² This was, as already noted, because the familial construction of nationhood was key to the ironic unravelling of the right's hegemony.

Interviews with both anti-abortion and feminist political activists have indicated the impact of the X case on the political identities of moral entrepreneurs in the

¹²This changing relationship between the nation and feminism is demonstrated, for instance, in the explanation provided by John Waters, a prominent right-wing commentator, for Mary Robinson's election to the Presidency in 1991: 'Yet Mary Robinson said one thing that stuck in my brain. If she could succeed in communicating it to the people of Ireland, I knew that it would win her the presidency. It made sense of all the seemingly contradictory things she had said elsewhere, about Catholicism, about socialism, about progressive politics, about the view the Irish people needed to have of themselves. "I'm a Catholic from Mayo," she said. "There's nothing about *that* Ireland that I don't know. So it's me. I understand it from within and I want to develop on it, but in the way that one would want to develop oneself, almost. I don't repudiate so much as want to coax along into a different mould." In this statement, I was convinced, lay the key not just to Mary Robinson's chances of being elected president, but to the future of Irish politics' (1991:9). Mayo is a western county associated with the famine and emigration. As such, it signifies the traditional Ireland usually constructed in opposition to the feminism and liberalism defended by Mary Robinson.

field of abortion politics, in relation to national identity. While anti-abortion activism evidently articulated its position in highly contradictory ways, through democratic, republican, and feminist discourses, in an attempt to reproduce a construction of nationhood as a resistant anti-abortion political identity, feminist activists expressed a perception of shifting boundaries of nationhood in relation to abortion access which suggests both the instability of anti-abortion hegemony and a democratization of the political context, as feminist perspectives could, for the first time, be expressed in terms which were not already constructed as anti-national.

The next Part will consider the impact of the X case on competing positions on abortion law in the Oireachtas (legislature). Chapters Seven and Eight are specifically concerned with how the hegemonic terms of the official debate were both transformed and reproduced from 1983 to 1992, in the wake of the X case.

PART FOUR

OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP

THE X CASE AND ABORTION IN THE OIREACHTAS

INTRODUCTION

The disruption caused by the X case to popular political culture and activist subjectivity in relation to the nation also significantly unsettled the official view of the nation, and consequently the legitimacy of constitutional abortion law, as Part One has outlined. This Part is concerned with the terms within which lawmakers themselves saw what was at stake, both during the debate on the Eighth Amendment in 1983, and on the series of constitutional debates concerning abortion and women's rights during 1992.

Official constructions of abortion politics provides the focus in what follows since the legislative debate not only provided an official construction of 'the people's' position in relation to abortion, but actually defined the proposed constitutional changes. Thus, an analysis of the legislative debate specifically indicates the terms within which the proposed constitutional changes were constructed, in ways not possible in press or activist discourses given their different positions relative to the law, although of course the debates in these three sites were not mutually exclusive. Thus, Chapters Seven and Eight are specifically concerned with shifting and interdependent constructions of republican democracy, republican citizenship, and nationhood, through the constitutional abortion debates in the legislature.

The following section will briefly outline the political structure within which the debates occurred, and introduce the distinctive character of the republican

Constitution, particularly as it connects with the idea of the nation. I will then consider the significance of states for gender and sexuality politics, and discuss the methods adopted in collecting and analyzing material for this Part.

The Democratic Republican Nation-State

The abortion debate in Ireland has been a constitutional rather than a legislative struggle. As such it has focused much more substantially than legislative debates generally do on constructions of the nation and the 'people's will', the source of republican sovereignty. The purpose of a constitution, defined as 'the conscious formulation by a people of its fundamental law' which establishes the principles upon which the state is based (McIlwain 1947:3), is, ostensibly, to prevent arbitrary government, by limiting and counterbalancing the power of each particular branch of the state. Thus, republican constitutions specify a division of powers between the legislative, executive, and judicial branches of the state, in order to limit the authority of each. Judicial review, for example, is a central aspect of such a system of power division, as legislation can be examined by the judiciary to test whether any constitutional principles have been infringed.

Furthermore, republican constitutions invest political sovereignty in the 'people', rather than, for example, in any branch of the state apparatus. Central to this political strategy is the concept of the 'common good', which requires that divisive issues should be avoided in the interests of political unity (Whelan 1996). This necessarily relies on a homogeneous conception of 'the people', and views political corruption and injustice as a governmental failure to adequately represent that people.¹

¹Whelan describes the historic articulation of this idea in Ireland as follows: '... for the late eighteenth-century bearers of the European Enlightenment in Ireland, reform of the laws and system of government, not reform of the people, became the preferred option, as projected by the United Irishmen. These reforms would create a natural consonance between cultural

The debates discussed in the following Chapters took place in the two Houses of the Oireachtas (legislature): the Dáil, which is the first House; and the Seanad, which is the second, subordinate House.² Members of the Dáil (TDs) are publicly elected, whereas members of the Seanad (Senators) are chosen by two electoral colleges, and some are nominated by the Taoiseach (Prime Minister) described below. The Dáil nominates the Taoiseach and approves the Government or Cabinet, which controls the introduction of legislation, largely through its control over Oireachtas timetables. As Chubb argues, the Dáil is entirely dominated by the Government, its members playing little part in law-making in contrast, for instance, to the United States Congress (1982:208).³ Most Bills are introduced by the Government and passed in the Dáil before going to the Seanad for approval.⁴ The passage of Bills is normally assured by the Governing party's majority representation in both Houses.

The Seanad's power is largely that of delaying and amending Bills that have already been passed by the Dáil, although in so doing, it can attract public attention to particular issues. Financial Bills and international agreements are not debated in the Seanad, which was originally established under the 1921 Treaty of Independence, in order to guarantee strong representation for Unionists. It was abolished in 1936, but was re-established in 1937 through the

identity and government practice, generating a harmony which would allow for the unimpeded expression of beauty, benevolence and civic virtue. Without this consonance, only a disjointed, corrupt, unrepresentative politics could operate' (1996:60).

²The Oireachtas also includes the office of the President, whose role is largely confined to signing Bills into law. The President can also refer bills which have been passed by both houses of the Oireachtas to the Supreme Court to test their Constitutionality (Chubb 1982:199-200; 207).

³In the US Congress members of both the House of Representatives and the Senate are directly elected. The passage of legislation requires a majority vote in both Houses. Although the President has the power to veto legislation, the Congress can over-ride that veto with a two-thirds majority in both Houses (Craig and O'Brien, 1993:xiv). Thus, both Houses operate independently of the President.

⁴Private Members Bills can also be introduced, that is, non-Government sponsored bills, as in the UK.

enactment of the new Constitution, which defined its composition in vocational terms, in line with the already mentioned papal encyclical *Quadragesimo Anno*. Its members are chosen in three ways. University graduates select six members. Elected politicians at local council and national level select forty-seven members from five panels, representing the interests of education and culture; agriculture; industry and commerce; labour; and public administration and social services. Finally, the Taoiseach selects eleven candidates. Despite this apparent diversity, political parties nevertheless dominate the Seanad, including the election of its members (Chubb 1982: 207-214).

Gender, Sexuality and the State

The constitutional debates on abortion discussed in Chapters Seven and Eight raise questions concerning the gendered construction of the nation and the nation-state in formal political terms, particularly given that these are primarily debates concerned with citizenship. In other words, the constitutional debates on foetal and women's rights raise questions about the significance of the state for gender and sexuality politics.

As Yuval-Davis and Anthias point out, the state is not a unified entity with autonomous interests and intentions. Nor does it simply and effectively act on behalf of specific economic or social forces, such as particular social classes or gender hierarchies. State practices do not have unitary intentions or effects (1989:4-5). Thus, the state cannot be thought of simply as a patriarchal institution, since such a view necessarily ignores competing gender interests in the state, as well as the differential gender effects of state activities. Furthermore, such a characterization fails to explain why feminism has focused on the state as a significant resource for progressive gender politics (Connell 1990:519). Connell characterizes the state not as a unity or coherent agency, but rather as a process specifically located within gender relations, and a key

site of gender production. He argues that the state is necessarily a major stake in gender politics, given that it is the locus of considerable power to regulate gender and sexual relations. As he puts it, '... the exercise of that power is a constant incitement to claim that stake' (1990:530). The location of the state within a gendered context produces what he terms a 'gender regime', which can be observed, for instance, in the gender division of labour and hierarchy of power in the state, as well as in the gendered structures of emotional attachment to the state, expressed particularly through nationalism (1990:526).

Thus, the effects of the hegemonic gender regime on women's citizenship are not necessarily stable and enduring, but shift in response to changing dynamics in the broader gender order. As Yuval-Davis and Werbner argue, democratic citizenship is

... a historically contingent social formation, a particular negotiated compromise between forces of normalisation and differentiation. It is therefore always inflected by power and by the commonsense assumptions of hegemonic cultural and political elites. (1999:3)

It is, they argue, consequently possible to recast citizenship in feminist and plural terms, particularly by resisting exclusionary and essentialist identity discourses (1993:28). Shifting official constructions of women's citizenship in the context of competing gendered nation-state projects will be examined in what follows, in terms which do not assume a necessary or enduring relationship between the state and patriarchal forces.

Methods

Three constitutional debates on abortion will be considered in addressing the major concerns of this Part, as outlined above. Chapter Seven discusses the

1983 debate on the proposal to officially recognise the right to life of the 'unborn'. This sets the context for Chapter Eight's focus on two sets of constitutional debates in the wake of the X case: those on the proposed Eleventh Amendment to the Constitution held during May 1992, concerning the ratification of the Maastricht Treaty; and those held during October of that year on the proposed Twelfth, Thirteenth and Fourteenth Amendments, concerning women's rights to abortion, travel and information, outlined in Part One. The focus in what follows is on a number of key speeches made at the second stage of debate, when general principles rather than technical or practical problems were at issue. The speeches discussed illustrate shifting constructions of the issues at stake from 1983 to 1992, and were made by prominent politicians whose positions on abortion, as well as other issues, were well known.

In order to consider the hegemonic terms of debate during 1983, Chapter Seven focuses on the Minister for Justice Michael Noonan's second stage speech sponsoring the proposed 'pro-life' amendment. Noonan's position as representative of the Government, as well as of his party, is key to his presentation of the proposal in distinctly national republican terms. The Minister articulates a national 'pro-life' discourse not in the terms of the committed activist, but rather aimed at winning broad mainstream electoral support.

Chapter Seven will also look at marginal opposition to the Bill by examining Labour Senator Mary Robinson's second stage anti-amendment speech, which explicitly articulates the political perspective of a national republican feminist, as well as a legal expert and elected politician. This was a peripheral speech, both in terms of Senator Robinson's female, feminist and morally pluralist position, and in terms of its delivery in the second House, rather than in the

Dáil. This speech illustrates the interplay between official conceptions of 'pro-life' nationhood on the one hand, and liberal/left and feminist political discourses concerning abortion on the other, at a time when hegemonic Irishness was being defended against threat from precisely these quarters.⁵

Chapter Eight focuses on six speeches made during 1992, broadly illustrative of the emergence of a range of different positions in the Oireachtas following the X case rupture. Two speeches in the Maastricht Treaty debate (the Eleventh Amendment to the Constitution), which provided the first opportunity for members of the Oireachtas to debate abortion law since the X case, will be discussed.⁶ The strongest anti-abortion perspective at this point was articulated in the Seanad by Des Hanafin, a prominent pro-life activist and key figure in the Pro-Life Campaign, who was subsequently expelled from his party, Fianna Fáil, for voting against the Eleventh Amendment (Hug 1999:176).⁷ Feminist arguments had, by contrast, achieved a degree of legitimacy at this point, and could be expressed in the Dáil, as Deputy Nuala Fennell did, without inviting excessive hostility.

The remaining four speeches were chosen from the October 1992 debates on the Twelfth, Thirteenth, and Fourteenth Amendments, which were debated together. The two Dáil speeches discussed in Chapter Eight were made by prominent members of the two major parties, Fianna Fáil Minister for Justice

⁵By the time abortion was again debated in the Oireachtas in constitutional terms in response to the X case, Senator Robinson had been elected to the Presidency, and was actively transforming that formal dignitary position, that had involved appearances at state occasions and withdrawal from everyday life, into a high profile popular public role. This indicates the degree of cultural change that occurred over the period from the early 1980s to the 1990s. Her marginal feminist and pluralist perspective had become more acceptable in the nation-state context by 1992.

⁶While statements had been made in the Oireachtas following the X case, these were not made in the context of a legislative debate (see for example, Dáil Éireann, 18th February 1992, Ban on Termination of Young Girl's Pregnancy: Statements. Vol. 415 Col. 2203-2223).

⁷He subsequently lost his Seanad seat (Hug 1999:187).

Pádraig Flynn, sponsoring the Amendments, and Fine Gael Deputy Alan Shatter, opposing them. Both parties had been centrally involved in inserting the 'pro-life' amendment in 1983, and hence both were eager to limit the damage the X case had done to their reputations. The two Seanad speeches to be discussed are Senator Avril Doyle's speech, approximating a reproductive rights position, and Senator Éamon Ó'Cúiv's explicitly anti-abortion speech.

The constitutional focus of the Oireachtas debates discussed in Chapters Seven and Eight involve consideration both of the significance of national sovereignty in debating abortion law, and the impact official constructions of nationhood had on women's citizenship. Chapter Eight will specifically consider the apparently dramatic shifts and reconfigurations of the discourses in play in the Oireachtas following the X case. The form of the debates concerning the constitutional status of 'unborn' and women's rights in the Oireachtas indicate shifting official constructions of national sovereignty and citizenship in the wake of the X case.

CHAPTER SEVEN

OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP: OIREACHTAS DEBATES ON THE EIGHTH AMENDMENT

Introduction

This Chapter will consider the Oireachtas debates on the proposed Eighth Amendment in 1983, aimed at recognizing citizenship rights for 'the unborn'. As Chapter Three in particular has demonstrated, popular political culture during this period was characterized by a moral panic concerning the possible effects a failure to ratify the proposed amendment might have, not just for 'the unborn', but for the very survival of the nation. The primary definition of the issue had constructed national identity in distinctly moral and gendered terms, and had articulated the demand for this construction to achieve official recognition through an appeal to the constitutional principles of the democratic Republic, specifically the investment of political sovereignty in 'the people'. This Chapter will examine the ways in which this demand that the 'people's will' should be authoritative on the issue of foetal rights was constructed by members of both Houses of the Oireachtas.

Political Context

The debates on the Eighth Amendment took place at a time of political instability characterized by rapid changes in government, which the anti-abortion lobby successfully exploited in extracting support for their amendment from party leaders¹. The wording of the proposed amendment had been formulated by the populist Fianna Fail party while they were in Government.

¹See Girvin (1986) for more detailed discussion of this background.

However, by the time the amendment was tabled for debate in the Dáil, Fianna Fail were no longer in power, and the more centrist Fine Gael party were now sponsoring it. Support from this governing party, whose leader Garret FitzGerald had declared a 'Constitutional crusade' to make the Republic more pluralist and hence more attractive to Northern Ireland Protestants, was deeply ambiguous. On the introduction of the Bill in the Dáil, FitzGerald said that the proposal did have Government support, but that Fine Gael deputies could vote individually on it. The major problem with the Bill, as far as this party would explicitly acknowledge, was not, however, that it belied the idea of pluralism, but rather that the wording was ambiguous.² It might be interpreted by the Courts in a way that could, as Minister for Justice Michael Noonan pointed out in the Dáil, 'positively facilitate the introduction of abortion on a very wide scale' (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1357), since it failed to indicate which right to life, that of the 'unborn', itself a term left unspecified, or that of the 'mother', would take precedence in the event of a conflict.³

The major criticism of the proposed amendment in the Oireachtas was its possibly sectarian nature, given that it had been publicly rejected by all the major Churches in the Republic other than the Catholic Church. Some members of the Oireachtas argued that the proposal was intended to amend the

²The proposed wording, 'The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right', was finally incorporated into the Constitution, as mentioned in the Introduction.

³However, Fine Gael attempts to overcome this ambiguity by introducing an alternative form of words in April 1983 failed, as it was rejected in Dáil. The newly proposed wording simply stated: 'Nothing in this Constitution shall be invoked to invalidate, or to deprive of force or effect, any provision of a law on the ground that it prohibits abortion' (Dáil Debates, 27th April 1983, Vol. 341:2001). This was rejected by the anti-abortion lobby on the basis that it was simply a negative provision to protect existing legislation. Although ostensibly this was their objective in amending the constitution, they argued that they wanted a positive affirmation of the constitutional right to life of the 'unborn', in other words, they wanted citizenship rights to be accorded to foetuses (see for example Dr. Woods's speech against this form of words on the basis that 'the unborn' should be granted citizenship rights, Dáil Debates, 27th April 1983, Vol. 341, Col. 2015).

Constitution along confessional lines, thereby redefining the nation-state and the rights of citizens in relation to religious affiliation. This would infringe the guarantee of religious pluralism contained in Article 44 of the Constitution, by giving constitutional status to the beliefs of one specific religion.⁴ A number also argued that a divisive issue such as abortion was not an appropriate issue to be incorporated into the Constitution, which should only include general principles on which all citizens could agree. A morally contentious issue on which citizens took positions explicitly in relation either to their membership of religious groups, or their secular views, should not be treated as a fundamental principle of the republican State.

Key Themes

Of particular interest in what follows is the way discourses of nationhood and gender are drawn on to rationalize opposing positions on the Bill, in the context of law-making. The following discussion is concerned with two thematic strands that run through the speeches. First, official constructions of national sovereignty will be considered. Second, legal-political constructions of citizenship in gendered terms will be discussed. The terms within which opposition to official discourses of national sovereignty and citizenship were constructed will also be considered.

⁴In contrast to the established status of the Anglican Church in Britain, and contrary to popular British assumptions concerning the status of the Catholic Church in Ireland, *Bunreacht na hÉireann (Constitution of Ireland)* contains the following guarantees:

'Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen' (Article 44.2.1°).

'The State guarantees not to endow any religion' (Article 44.2.2°).

The article also guarantees that State support for schools shall not discriminate on the basis of religion, and that children attending State supported religious schools shall not be obliged to attend religious instruction.

Official Nationhood and Gendered Citizenship in the Oireachtas

The Sovereign People and the Constitution

The principle of national self-determination at the heart of nationalism (Kedourie 1961:31) was key to the terms within which the Oireachtas debate on the proposed Eighth Amendment took place. As in the press coverage, a moral discourse of nationhood was also constructed in the Oireachtas in explicitly anti-abortion terms.⁵ The constitutional focus of the debate directed official attention towards the purpose of a republican nation-state, namely to guarantee popular sovereignty. However, this effectively produced an official construction of the nation-state project in authoritarian terms.

The People as the Moral Majority

A major aspect of the debates on the Eighth Amendment concerned the role of politicians in producing laws on behalf of the sovereign 'people', to whom they were constitutionally accountable. The official Government position articulated by Minister Noonan presented the referendum process, through which the proposed amendment would be presented to the 'people' for a decision, as a legitimate form of constitutional politics, as the Oireachtas would thereby ensure that the people's sovereignty would be guaranteed. As he said,

... if the people of this State now indicate through a referendum that they do not want abortion to be facilitated, it seems to me that that expression of the people's will must prevail. (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1354-5)

⁵The term 'moral' is not employed in this Part in an evaluative sense. Rather, it describes a level of discourse which signifies, in its own terms, a normative position.

This constructed the role of elected representatives as servants of the 'people's will', defined in terms of the moral 'majority'.⁶ The anti-abortion will of the people was simply assumed, as the willingness of the government to amend the Constitution under pressure from the anti-abortion lobby, together with the specific terms within which that amendment was to be presented to the people in a referendum, indicated. Neither the power of legislators to define the proposed Constitutional change, nor the process through which that proposal came to be debated in the Oireachtas were viewed as relevant to official perceptions of what the 'people's will' might be.⁷

Thus, the hegemonic terms of the debate in the Oireachtas assumed national moral unity, not least through a discourse of moral majoritarianism. For example, the Minister for Justice defended the proposed amendment against the charge of sectarianism as follows:

Why cannot we have clearly expressed exceptions for the views of minorities? ... first, ... we are dealing here with deep-seated convictions that what is at issue is not the right of dissent but the protection of independent human life and, second, that there is such wide disagreement about the exceptions that no law could cater for all opinions without reducing itself to something meaningless. (Minister for Justice, Dáil Éireann, 9th February 1983, Vol. 339, Col. 1364)

⁶In the words of Deputy Padraig Flynn, 'there is nothing more democratic than giving the ultimate decision on constitutional matters to the electorate' (Dáil Éireann, 23rd February 1983, Vol. 340, Col. 976). Deputy Michael Cosgrave also articulated this view: 'It was the men and women in the street and in the field who gave to us this Constitution. It is to them that we must return if we want to change it' (Dáil Éireann, 8th March 1983, Vol. 340, Col. 2048).

⁷For example, deputy Maire Geoghegan-Quinn viewed the position of the Anti Amendment Camp in precisely these anti-democratic terms: 'Their wish is not so much to influence the vote of the people as to prevent the people from exercising the right to vote' (Dáil Éireann, 17th February 1983, Vol. 340, Col. 493).

While 'minorities' retain the right to dissent, their position would nevertheless be constitutionally excluded, since, Minister Noonan argued, to do otherwise would make the law 'meaningless'.⁸ Implicit in this defence of the sovereign position of the moral 'majority' is a construction of the latter as normatively superior, in contrast to the implicit immorality of 'minorities', established through their very opposition to the amendment.⁹ The assumption that the law should act not simply as an instrument of morality, but as an instrument of the moral 'majority', clearly informs this official position.

Official recognition of national 'pro-life' morality would not be sectarian, since it would not favour one religious group's values over others, but rather would simply reflect the morality of the national 'majority', and protect it against threat. That national morality was not directly linked to Catholicism could be evidenced, for example, by the fact that anti-abortion legislation in Ireland was originally enacted by the Protestant Westminster Parliament, and the ban was still largely in force in the north of Ireland. As Minister Noonan said:

... the particular law is exactly as we inherited it at the foundation of the State - the same law as then obtained in the neighbouring island - and therefore, one may reasonably assume, not influenced overtly or

⁸As Deputy Dr. Michael Woods also argued: 'Our [Government] commitment in this regard was a response to the widely and very deeply held view of the majority of the people that our respect for the dignity of human life should not be undermined' (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1375-6).

⁹The normative superiority of the 'majority morality' was also emphasized by Deputy Padraig Flynn: 'The greatest gesture we can make to other groups, both close by and far away, is to show the depths of our beliefs and standards, and our determination as a people to display them as the hallmark of our society' (Dáil Éireann, 2nd March 1983, Vol. 340, Col. 1592). Deputy Michael Cosgrave goes further in insisting on the superiority of the moral majority: 'In England and other countries where abortion has been introduced the roads are strewn with the remains of half-developed bodies, a whole army of would-be citizens. The same could happen in this country if abortion was introduced. We would have the remains of half-developed bodies strewn all over the place' (Dáil Éireann, 8th March 1983, Vol. 340, Col. 2049).

covertly by any ecclesiastical pressure groups. (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1362)

It was not, then, as far as the Government was concerned, a question of unifying State and church. Rather, the objective in enacting the 'pro-life' constitutional amendment was to defend the sovereignty of the people, defined in broad moral rather than specifically religious terms. The articulation of an official majoritarian construction of the nation in terms which legitimized the proposed constitutional exclusion of dissent was thus justified on the basis of a constitutional duty to defend the morally homogeneous nation's sovereignty.

The Authoritarian Nation-State

Even if it could be shown that that [anti-abortion] view about the right to life of the unborn was objectively invalid, those who hold it would still have the same duty to act according to their consciences and, in so far as they could through the laws enacted on their behalf, to protect what they see as human life. For those who believe that another human life is at stake, the matter is clearly not a purely private decision but a matter which ought to be dealt with by the law and, while giving due weight to the rights of the mother, they must logically afford that protection even against the wishes of the mother. Indeed, if that were not so, abortion law would have little meaning. (Minister Noonan, Dáil Éireann, 9th February 1983, Vol. 339, Col. 1360)

The anti-abortion lobby's moral-political project was incorporated within the official view of how a citizen should act, as the above statement indicates. Those holding a 'pro-life' morality have a moral duty, as the Minister explains,

to follow their consciences and attempt to obtain legal recognition of their views, even in the face of objective proof that they are wrong. Again, this official construction of active citizenship relies on an association between moral duty and nationhood.

The defenders of foetal rights were thus officially accorded a legitimate central (constitutional) position in the debate, as necessary defenders of the right to life of 'the unborn'. Anti-abortion discourse thus secured the boundaries of the debate in terms which located 'pro-choice' perspectives in the 'private', implicitly amoral, sphere, where no legal recognition was apparently required. The moral regime defended by the Minister did not include any guarantee either that women's rights or moral pluralism would be officially considered. 'Pro-choice' advocates of women's reproductive freedom were officially positioned, through this emphasis on 'privacy', in opposition to concerned and active citizens who could appreciate the public and moral significance of the law. Significantly, this construction of the reproductive rights perspectives in terms of a politics of 'privacy' ignores the State's role in defining 'privacy', a definition which would become highly significant in the X case, as Part Two has demonstrated.

The nation-state project embedded in this official view of what was at stake in constitutional abortion law was distinctly authoritarian, in gendered terms. Women could be justifiably compelled to carry a pregnancy to term and give birth in these terms, as was later demonstrated by the X case. Women's sexuality and reproductive capacity required constitutional regulation in the interests of the 'pro-life' nation-state. Women's position in the nation-state project was thus officially constructed as both maternal and morally untrustworthy. The regulation of the female 'environment' within which the 'independent unborn' lives provided a means for constructing a distinctly moral

official discourse of gender and sexuality, justified in terms of the 'people's will', and hence central to the nation-state project. Ironically, this authoritarian official nation-state project depended on the apparently democratic procedure of holding a referendum, and ensuring that the people's sovereignty was not usurped by any branch of the State.

Constitutional Abortion Law and Citizenship

Some of that criticism [concerning the impact of the proposal on women's rights] has come from people speaking from what I might call the secular-humanist standpoint. I cannot hope to convince anybody of that way of thinking. If a person believes that a woman has a right to have an abortion at any time and for any reason or none - that the matter is exclusively her concern and that, as the expression has it, hers is the "right to choose" - there is really no common ground that I can see for debate between that person and somebody who believes that pre-natal life is human life with independent rights of its own, rights that are in some sense commensurate with its status as human life. (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1358-9)

The proposed transformation in constitutional citizenship rights was officially justified through a discourse of foetal independence, in two key ways. First, the assertion of foetal 'independence' equated the moral status of the 'unborn' with that of women, thereby producing a moral-political imperative to recognize the rights of the former in terms no different from the latter. Second, the implicit construction of rights-bearers in terms of physical 'independence' further compromised women's rights, since women's 'maternal function' compromises their 'independence' or 'individuality', as discussed in Chapter Two. Thus, the compromise of women's rights involved in recognizing a foetal right to life is

assumed as a necessary consequence of the condition of pregnancy. The effect of this discursive foetal 'biologization' (Franklin 1991) is to establish a 'natural' moral equivalence between 'the unborn' and women. Constructing the 'unborn' as biologically or physically 'independent' or autonomous is implicitly contrasted with the construction of women in terms of compromised autonomy.

This justified the official disregard of the effect the proposed recognition of foetal rights might have on women. As Minister Noonan argued:

If a person believes that the unborn have a right to life, even though it be only a qualified right, that person cannot agree that the law should allow that right to life to be taken away simply because somebody else, even somebody so intimately and uniquely related to it as its mother, decides that it should be so taken. (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1359)

The unique position of the 'mother' in relation to the foetus not only does not confer any decisional privilege on her in the context of pregnancy, it also marginalises her, as she embodies the source of threat to foetal life. By contrast, the national-moral commitments of the 'pro-life' lobby do confer decisional privilege on them over the 'independent unborn' and consequently over pregnant women.

Minister Noonan refused to recognise the legitimacy of concerns about the effect the amendment would have on women's civil and social rights, which he labeled 'secular humanist', and hence excluded from the national moral 'majority' position. Granting civil rights to 'the unborn', as well as according political rights to their representatives, could only be done at the cost of

compromising women's civil, political and social rights. Not only were women's political rights undermined, as the above Ministerial quote makes clear, through the assertion of foetal independence from women, but women's civil and social rights, such as rights to life; freedom of conscience; bodily integrity; freedom of movement; and information were all threatened, to greater or lesser degrees, by the proposal to grant fetuses an absolute right to life, as the X case later demonstrated. Nevertheless, the assertion that women's rights were not significant to the proposed constitutional amendment can be seen, for example, in the Minister's dismissal of what he termed 'Christian', implicitly Protestant, concerns over pregnant women's mental health:

I can well understand and sympathize with the feeling of concern which underlies references by a Christian clergyman to the psychological health of a mother in distress, but the sad fact is that if one were to invite someone to write an abortionists' charter something that would most simply and effectively provide for abortion on demand without actually using those very words, the ready-made phrase is 'the psychological health of the mother' - not, indeed that any variation on that theme would be much better. It is not a question of being on the slippery slope - with that kind of provision or proviso in the law, we would have arrived. (Dáil Éireann, 9th February 1983, Vol. 339, Col. 1365)

While women's psychological health might be compromised through pregnancy, Minister Noonan did not consider this possibility relevant to the proposal to recognize a constitutional right to life for the 'unborn'. This official position suggests an explicit acceptance that women's rights would be indeed be compromised by the Eighth Amendment. However, such a possibility was constructed as insignificant in comparison to the desire to protect foetal life.

Thus, although the Government denied that women's rights were at stake, for example, by asserting that current law was simply to be given constitutional status as a means of guaranteeing popular sovereignty in the field of abortion law, the above statement suggests that the Government were prepared to compromise women's rights in order to avoid the 'slippery slope' to national immorality. Thus, the Government's official position relied on an absolute opposition between women's and foetal rights in terms which made it impossible to argue, for example, that foetal protection might depend on the protection of women's rights.

Thus, the 1983 Oireachtas debate on the proposed Eighth Amendment was characterized by the official expression of concern to guarantee national sovereignty, a key value at the heart of the republican Constitution. However, the official construction of the nation as morally homogeneous nevertheless justified an authoritarian political project. This was particularly evident at the level of citizenship, where women's rights could, in the official view, be compromised in order to avoid a disjunction between national anti-abortion morality and the nation-state.

Marginal Opposition

Although the Oireachtas debate on the Eighth Amendment was largely characterized in the official terms described above, marginal opposition both to the proposed amendment itself and to the associated construction of the nation and the nation-state, was articulated by some members of the Oireachtas. This marginal opposition did not construct national sovereignty in terms of the moral majority. Consequently, it did not endorse an authoritarian nation-state project. Furthermore, women's citizenship was viewed as key to any consideration of abortion law.

The Sovereign People and the Constitution

The oppositional view of constitutional popular sovereignty emphasized moral diversity within the nation, and insisted that this diversity should be recognized at constitutional level. The Constitution should not embody simple 'majority' opinion, nor should it embrace any one morality, defined in religious terms, over any other. As Senator Mary Robinson argued:

We are going to have a pro-life group and one denomination campaigning for this change in the Constitution. Is that not nice in a country which proclaims itself to be committed, and indeed on which its existing Constitution is committed, to a pluralist society?

Is that where we have brought ourselves in this very sad and regrettable debate? (Seanad Éireann, 4th May 1983, Vol. 100. Col. 515)

Although the idea of a homogeneous nation informs this position, it does not rely on moral homogeneity. The constitutional commitment to religious or moral pluralism was clearly threatened by the amendment, which was supported by only one religious denomination.¹⁰ The fundamental right to freedom of conscience would be directly compromised, if not negated, by the proposal.¹¹ The primary function of the Constitution was, Senator Robinson argued, to ensure the protection of 'minorities', i.e., those who dissented from

¹⁰As Minister for the Environment, Ruairí Quinn, argued: 'This debate is not about abortion. It is about using the Constitution in a particular way which reflects the private moral view of what happens in this instance to be the view of the vast majority of people in this island but doing it in what is clearly a sectarian way because a number of minority Churches have said clearly that they would prefer if the Constitution were not amended in this way' (Dáil Éireann, 2nd March 1983, Vol. 340, Col. 1626).

¹¹Indeed, Senator O'Leary explicitly compared the activities of the PLAC with those of the Moral Majority movement in the United States, commenting that '[t]hey are remarkable for their intolerance of those with whom they do not agree. In general their approach to public life smacks too much of what would be termed McCarthyism' (Seanad Éireann, 4th May 1983, Vol. 100. Col. 579).

'national' morality, in particular by ensuring a separation between the law and morality.¹²

This morally impartial view of the role of the Constitution in relation to morality was also argued in relation to attempts to exclude consideration of the sectarian implications of the amendment from the political debate:

Any attempt made, certainly as I have found it, in a public context or on a public platform to broaden the debate meets with the response "Oh, well this is the basic human rights issue; we must deal with it first" and then somehow all the other broader social problems, as is apparently envisaged, would fall into place. But that is not the case.
(Seanad Éireann, 4th May 1983, Vol. 100. Col. 563)

Here, Senator Robinson contested the Government's assumption that 'minorities' must bow to the values of the apparent national 'majority', in other words, that the right to freedom of conscience is subordinate to the values or morals of the supposed sovereign national 'majority', defined in this instance as anti-abortion.¹³

In contrast to the moral majoritarianism defended by the Government, a more complex view of the constitutional relationship between elected representatives and the sovereign 'people' was articulated by Senator Robinson, speaking

¹²As she argued: 'Standards pitched beyond the reach of the ordinary individual may be acceptable in ethics and theology, where indeed they may well be the norm, but they have no place in the criminal law. The criminal law is concerned with the regulation of human conduct, not with the perfectibility of human nature' (Seanad Éireann, 4th May 1983, Vol. 100. Col. 534).

¹³This was echoed by Senator Catherine McGuinness, commenting on the term 'pro-life': '... it gives the impression that anyone who opposes the amendment is pro-death and many of us have been accused of being so [...] Where were these people when some of us were advocating a change in the Constitution to give basic human rights to living children [...]?' (Seanad Éireann, 10th May 1983, Vol. 100. Col. 755).

specifically as a lawyer as well as a democratic republican politician. Key to this position was an emphasis on the role of members of the Oireachtas as mediators between the sovereign 'people' and the process of law making. The law would not simply emerge transparently from the people; nor would the meaning of particular laws be self-evident to the electorate, particularly in contexts where a referendum would be held to decide on the desirability of a specific law. Elected politicians had, in Robinson's view, a constitutional duty to explain clearly the meaning and possible implications of proposed changes in the law to the 'people':

We have responsibility to ensure that the proposal that goes through this House is capable of being understood [...] by the people of Ringsend, of Kerry and of Mayo - the ordinary people of this country - in the context of "do you approve?" or "do you not approve?" If it is not capable of being understood as meaning something in that sense then it is not a proper proposal and we should not allow it to be put forward as a proposal. It is wrong to say let the people decide. The people do have a role to play. They approve or they do not approve but before they do they must have a proposal on which they can in fact make an informed and intelligent decision. (Seanad Éireann, 4th May 1983, Vol. 100. Col. 513-4)

Robinson here was criticising the ambiguity of the wording, particularly its use of the undefined term 'the unborn',¹⁴ as well as the proposed amendment's statement that the rights of 'mothers' and 'the unborn' were equal, leading to

¹⁴Deputy Alan Shatter commented on the problematic lack of definition of this term: 'A child that might be born to a family in 20 months' time, at this moment in time, could quite correctly [be] said to be unborn' (Dáil Éireann, 17th February 1983, Vol. 340, Col. 584).

problems of interpretation in cases where these rights conflicted.¹⁵ Indeed, the Government's legal advisor, the Attorney General, had advised that the wording be redrafted in less ambiguous terms, advice which the Government had followed. However, their alternative form of words were rejected by the Dáil in favour of the Fianna Fáil wording, as outlined in Part One.

Robinson was also criticising the Governing Party's decision to abstain from voting in the Seanad debate. Although that party was committed to a 'pro-life' constitutional amendment, it had been unable to devise an unambiguous form of words which would guarantee a ban on abortion without infringing women's right to life. The Governing party's official position, therefore, was to 'let the people decide' on the specific form of words. As Robinson insisted, this position failed to acknowledge their constitutional responsibilities to the sovereign people, to provide them with proposals upon which decisions could be unambiguously made.¹⁶ The possibility that extensive legal abortion might result from the amendment would be the result, she claimed, of the Government's failure to outline to the electorate the implications of this ambiguous wording (Seanad Éireann, 4th May 1983, Vol. 100. Col. 527).¹⁷ Consequently, she argued that if Senators abstained in the vote on the Eighth

¹⁵Senator Brendan Ryan commented that 'if you put emphasis on a different word each time the wording meant something entirely different. If you looked at the Irish version you got further ambiguity' (Seanad Éireann, 5th May 1983, Vol. 100. Col. 649). The Irish language version of the Constitution takes interpretive priority.

¹⁶This was echoed, for instance, in Senator Michael D. Higgins's comment: '... if you want to live in a democracy and if you have a Legislature - a Dáil and a Seanad - it is there to take decisions, it is there to lead on philosophies, option and strategies. It is not there to toss matters out to the public like a greasy ball and say when it comes back we will have made up our minds on the basis of what you, the people, decide' (Seanad Éireann, 5th May 1983, Vol. 100. Col. 645).

¹⁷Deputy Alan Shatter also took this view, arguing that 'if it in its present form becomes part of our Constitution it will essentially secure a constitutional judgment in the not too distant future requiring the House to enact legislation to permit women to have abortions' (Dáil Éireann, 17th February 1983, Vol. 340, Col. 533). Senator O'Leary argued of the PLAC that 'these people have brought the horror of abortion nearer to this country by many years' (Seanad Éireann, 4th May 1983, Vol. 100. Col. 582).

Amendment Bill, the Seanad should be dissolved, since its constitutional role in the process of law making would have thereby been surrendered.¹⁸

The Oireachtas, from this marginal perspective, had a constitutional duty to limit the power of specific groups over the law by providing accurate legal interpretation of the meaning of the proposed amendment, rather than by announcing that it would not officially campaign for acceptance of the proposal in the referendum. As Senator Robinson argued:

It looks at the moment as though the explanatory role will be taken over not by the ordinary political forces in this country but by the small minority self-styled pro-life groups who have been very instrumental in pushing this amendment from the beginning and, it would appear, senior Bishops and other members of the Catholic Church. [...] [T]he explaining would be done by very sectional and, on this issue, partisan parts of our community. Therefore the people would be potentially open to distortion of the wording, to being told, not on any great political or legal authority, but simply by lobbies who wished to read into the words what they wished to read into them, what the words mean. (Seanad Éireann, 4th May 1983, Vol. 100. Col. 515)

Thus, this position contrasted sharply with the official claim that the Government was simply performing its constitutional role as the servant of the people in introducing the Eighth Amendment Bill. In this view, the Government's constitutional duty was to ensure that proposals put before the

¹⁸As she said, '... the Seanad has an important constitutional role to play in this area. If we abdicate that role then the only other approach is to table a motion at the next sitting of the Seanad calling for our own abolition' (Seanad Éireann, 4th May 1983, Vol. 100. Col. 511).

sovereign people for ratification were both unambiguous and clearly explained. Furthermore, the Government should limit the power of unelected lobby groups in influencing the law, in this instance by exercising their duty to vote in the Oireachtas debate, and by providing clear information during the referendum campaign on the legal and political issues connected to the proposed wording, from an official rather than the politically partisan anti-abortion point of view.¹⁹

The Pluralist Nation-State

This alternative marginal view of the constitutional relationship between the sovereign people and the Oireachtas explicitly defended a morally pluralist nation-state project, rather than assuming that official recognition of national sovereignty would necessarily entail defending authoritarianism. The centrality of women both to reproduction and to the republican nation-state project was key to this oppositional view, which constructed nationhood primarily in terms of a tradition of struggle against injustice. The value of building a State based on principles of moral impartiality and inclusiveness was thereby affirmed.

Senator Robinson's speech invoked an alternative conception of the nation, characterised primarily by its struggle against domination, rather than its religious convictions. The nationalist project could only be achieved in this view on the basis of the republican tradition associated with Wolfe Tone, who

¹⁹Senator Michael D. Higgins explicitly condemned the Government's failure to act in the best interests of the people, due to the influence of the anti-abortion lobby: 'Is there anything as disgusting as the bad faith that is being sown in our political system by people who wander the corridors saying that they know that this measure is wrong, say in private it is unnecessary, that they disagree profoundly with the people who are proposing it and yet, at the same time, politically vote and behave differently?' (Seanad Éireann, 4th May 1983, Vol. 100, Col. 636). Senator Shane Ross also expressed this view: 'It is relevant that we should ask who this group of people are. Are they elected? Whom do they represent? Is this country beginning to be run by the SPUCs and the PLACs? I have never come across a time in this country when so few people have exercised so much power over so many' (Seanad Éireann, 10th May 1983, Vol. 100, Col. 794).

famously expressed his desire to see Catholic, Protestant and Dissenter united under 'the common name of Irishman'.²⁰ This albeit explicitly gendered discourse advocated a non-sectarian State as a means of protecting the freedom of religious minorities, and achieving reunification of the national territory.²¹

However, rather than reinventing the nation as itself an unstable entity with a variegated history, Senator Robinson appealed to the nation to tolerate 'minority' others, whose identities and allegiances apparently precluded them from belonging to, or being included within the nation:

... we are coming of age as a people, we are maturing to a stage where we are realizing the price we are going to have to pay if we ever get the fulfillment of our aspiration for a united Ireland. We are beginning to realise that it hurts in that we cannot just go along and have our own moral certainties enshrined in the Constitution, that we have to listen to and have regard for the statements and commitments of others who are equally entitled to have their view respected and not to have them abused or simply overridden by the force of a majority in a referendum. (Seanad Éireann, 4th May 1983, Vol. 100. Col. 544)

This adoption of a national republican idiom as a means of advocating religious pluralism necessarily reproduced the discourse of nationhood which the anti-abortion lobby had so successfully appropriated. Thus, the Irish people are

²⁰As Senator Catherine McGuinness argued: 'In passing this amendment we are tying to shut out from the common name of Irishman those who do not accept the views of one particular Church' (Seanad Éireann, 10th May 1983, Vol. 100. Col. 763).

²¹Deputy Tomás Mac Giolla also made this point: 'What kind of republicanism is it that would bring forward an amendment like this? Would a republican party in the tradition of Wolfe Tone or Davis do that? Fianna Fáil are supposed to be against sectarianism, for democracy and pluralism, for the type of society Wolfe Tone wanted when he gave such tremendous support to the French Revolution at the end of the 18th century, out of which the seeds of republicanism came to Ireland. Republicanism is not just a matter of getting the Brits out' (Dáil Éireann, 27th April 1983, Vol. 341, Col. 2040).

characterized here in terms of moral certainty and a distinctive political project. The use of this language serves to maintain the stability of a normative Irishness, constructed in terms of an anti-abortion morality, implicitly Catholic. Groups or individuals who reject the nation's moral certainties are located outside of the nation. However, the project of constructing a pluralist State in order to take account of moral differences would deprive the nation of its authoritarian political power. As Robinson argues:

It is important for historians that the text be put on the record of the House so that it will not be said of us that we did something in ignorance or lack of appreciation or knowledge of the views of spokespeople for minority groupings in our country. We will have done it in the teeth of their protests and assertions of their rights as citizens in our land. (Seanad Éireann, 4th May 1983, Vol. 100. Col. 549)²²

The rights of citizens who do not share the assumed moral consensus of the nation are defended here against the non-recognition of those rights, particularly the right to participate in the political sphere, as well as the right to freedom of conscience. The nation, through its incorporation into an impartial democratic State, should, in this democratic pluralist framework, be displaced from its dominant political position. As citizenship should necessarily be extended to include those who inhabit the territory of the nation-state regardless of moral affiliations, assumptions concerning the moral character of the nation could then become open to renegotiation in more inclusive terms.

²²Senator Michael D. Higgins also emphasized this: '... I want it on the record of this House that at every stage of the debate we asked for a definition of the words and for somebody to spell out the implications for women and for our society of accepting a form of words that nobody seems to want to answer' (Seanad Éireann, 25th May 1983, Vol. 100. Col. 1129).

Constitutional Abortion Law and Citizenship

In insisting that women do have a particular interest in abortion law, which is being excluded from consideration, Senator Robinson argued:

There should be a special women's campaign on this referendum. If this text goes through then women should be alerted to the dangers to their existing rights in equating the right of the unborn equally to the right to life of the mother that it threatens. (Seanad Éireann, 4th May 1983, Vol. 100. Col. 541)

She maintained that women's rights would be severely compromised by the amendment. Thus, she insisted that women as a group should campaign against the proposal. The various effects the amendment could have on women, discussed in terms of class and age, as well as physical and mental health, were outlined as a means of demonstrating the ways in which women's rights could be undermined. This added up to an insistence that the effect the amendment would have on women should provide the framework of the debate.

Senator Robinson stressed that the proposed wording could potentially lead to women's deaths, since, in cases where a pregnant woman's life was at stake, medical professionals would be unable to choose to save her life at the cost of terminating the pregnancy. Thus, both woman and 'unborn' would die.²³ In making this point, she quoted from the published statement of the Fine Gael Attorney General:

²³This aspect of the amendment was also emphasized, for instance, by Senator Katharine Bulbulia, who asked '[w]hat is the situation with regard to women who suffer from epilepsy and the administration of the necessary drugs? What is the position of the woman with extremely high blood pressure or she is threatened with kidney failure or, more important, what will her position be? [...] how much time does the conscious woman have on an operating table while medical opinion debates the legal issues?' (Seanad Éireann, 11th May 1983, Vol. 100. Col. 909).

... a doctor faced with the dilemma of saving the life of the mother, knowing that to do so will terminate the life of "the unborn" will be compelled by the wording to conclude that he can do nothing. Whatever his intentions he will have to show equal regard for both lives, and his predominant intent will not be a factor. (Seanad Éireann, 4th May 1983, Vol. 100. Col. 520)

She also quoted extensively from a European Commission decision concerning foetal rights which held that 'the "life" of the foetus is intimately connected with, and cannot be regarded in isolation from, the life of the pregnant woman' (Seanad Éireann, 4th May 1983, Vol. 100. Col. 532).²⁴ She pointed out that the 1861 Offences Against the Person Act, the legislation banning abortion, was a 'dead letter', as she put it, since no prosecutions are ever brought under its terms. Thus, she argues, there was not an absolute ban on abortion in Ireland, since abortions are available to Irish women, although not in Ireland (Seanad Éireann, 4th May 1983, Vol. 100. Col. 538).²⁵ She raised concerns that the absolute ban on abortion could result in bans on a wide range of contraceptives, on the basis that their use unconstitutionally infringed the foetal right to life; that third party injunctions could be issued against women on the basis of the proposed amendment, preventing them from travelling abroad to terminate their pregnancies; and that medical practices aimed at assisting reproduction could be blocked (Seanad Éireann, 4th May 1983, Vol. 100. Col.

²⁴As Senator Katharine Bulbulia commented, in reference to the assertion of foetal 'independence': '[i]f this amendment is incorporated into our Constitution, will each foetus caught up in such a situation have to be made a ward of court?' (Seanad Éireann, 11th May 1983, Vol. 100. Col. 895).

²⁵As Senator FitzGerald argued: 'This debate is not about abortion. It is about an attempt to introduce into the Constitution something that has been seen in the form of words chosen to be sectarian, unhelpful and so much in conflict with the 1861 Act that that Act may be declared unconstitutional' (Seanad Éireann, 10th May 1983, Vol. 100. Col. 805).

539).²⁶ Furthermore, she argued that the abortion rate in Ireland would become 'artificially high', as there would be intense pressure to make speedy abortion decisions (Seanad Éireann, 4th May 1983, Vol. 100. Col. 558-60). She argued that the mainstream debate, not least as it was presented by the media, ignored the 'real' issues at stake in the referendum, concerning issues of housing and poverty, and prevalent ideas about what the family should be.²⁷ Specifically, she claimed that there was no official or popular attention given to discrimination against single-parent families, particularly in terms of economic policies (Seanad Éireann, 4th May 1983, Vol. 100. Col. 562).²⁸ She argued that the debate on the proposed amendment had not engaged working class women, and particularly single mothers, who were largely unaware of what was taking place. Thus, the mainstream debate was ignoring those it most affected, and doing so in sectarian terms (Seanad Éireann, 4th May 1983, Vol. 100. Col. 565).

Thus, marginal opposition to the proposed Eighth Amendment in the Oireachtas insisted on the centrality of women to any consideration of abortion

²⁶She pointed out the effect the amendment would have on contraceptive availability, highlighting the fact that the legality of the IUD, a contraceptive favoured by lower income and older women, would be threatened. If the amendment were to be interpreted as protecting the right to life of the 'unborn' from the moment of conception, the IUD would then constitute an abortifacient, and its use would be unconstitutional. Similarly, the 'morning-after' pill, usually offered to rape victims, should also be declared unconstitutional.

²⁷Senator Michael D. Higgins emphasized the social and economic aspects of women's and children's rights, advocating that the State concentrate on protecting those very rights rather than attempt to recognize the right to life of the 'unborn'. As he said, 'I am branded [...] as being anti-life and yet I have sponsored in the last ten years the only attempt to abolish the status of illegitimacy, to give children in institutions the same rights as children outside and to remove that stigma from them. I have said that every child should be a wanted child by bringing in family planning legislation. I have been involved in relation to changing the adoption laws so that children might be adopted by parents who want them. Suddenly people who have had no record in any caring activity whatsoever have set themselves up as people who not only have the right to represent their point of view but who seek to drive people like me out of public life and who have boasted about it publicly in the newspapers' (Seanad Éireann, 4th May 1983, Vol. 100. Col. 595).

²⁸As Senator Browne argued, '[w]e should not tell girls [sic] that they cannot have abortions while at the same time continue to punish those who go through with their pregnancies' (Seanad Éireann, 11th May 1983, Vol. 100. Col. 917).

law, not least since women's rights were themselves necessarily implicated in reproductive law. Furthermore, this critical position rejected the authoritarian nation-state project based on the construction of nationhood in morally homogeneous terms. Rather, this attempt to counter hegemonic anti-abortion nationhood discourse in the Oireachtas constructed the nation as itself anti-authoritarian, and politically committed to moral pluralism. However, this position made little impact on the official terms of the debate, and the amendment was passed in both Houses before being put to the people in a referendum, as already discussed.

Conclusion

This Chapter has considered the official view of the significance and implications of a constitutional recognition of a right to life for the 'unborn'. The duty of the Oireachtas to defend the constitutional investment of sovereignty in 'the people' was central to the official construction of abortion law. Thus, the Minister for Justice Michael Noonan insisted that elected politicians should strive to represent the nation's will, defined in moral terms.

Women's rights were not officially viewed as relevant to the political debate. The protection of the 'unborn', constructed as 'independent' from pregnant women, was apparently at stake, rather than the protection of women's lives or health in contexts of pregnancy. No exceptions to the abortion ban could be contemplated, in this view, since to do so would weaken the nation's moral defences against the immoral and implicitly non-national 'bombardment' by 'pro-abortion' forces.²⁹ In this framework, the construction of unequal gendered

²⁹As Minister Noonan argued, 'I know of no way in which the law could provide for exceptions based on hard cases without leaving the door open for abortion on an increasing scale, all the more so when even here the public are being bombarded, day in day out, with pro-abortion propaganda' (Dáil Éireann, 9th February 1983, Vol. 339 Col. 1365).

citizenship, in terms which ultimately produced the X case in 1992, was necessary as a means of defending the moral nation-state, defined in the explicitly authoritarian anti-abortion terms of enforced pregnancy, against an apparently immoral anti-national threat.

By contrast the marginal feminist oppositional position articulated in the Oireachtas, although also expressing a distinctly 'nationalist republican discourse, viewed the constitutional role of politicians in terms of their responsibility to produce unambiguous laws, and to clearly explain the legal and political implications of such laws to the sovereign people, particularly in referendum contexts. Furthermore, this view insisted that elected politicians should specifically defend the rights of citizens, including women, from erosion, particularly from powerful lobby groups claiming to represent the sovereign nation's moral point of view. Women should be central to any debate concerning the introduction of a foetal right to life. Indeed, any such proposal should only be considered in terms of the contexts within which women both have children and seek abortions. Thus, the social, economic and political contexts within which women reproduce should not be ignored.

The next Chapter will consider the impact of the X case on the hegemonic official view of national sovereignty and the constitutional nation-state. The Oireachtas debates concerning the constitutional rights of the 'unborn' and women will be examined, particularly in terms of how official and competing political positions either reversed or reproduced their assumptions concerning nationhood, its position in the State, and the constitutional role of the Oireachtas and its members in relation to the nation-state and citizenship.

CHAPTER EIGHT

THE X CASE IN THE OIREACHTAS: DISRUPTION AND REPRODUCTION OF OFFICIAL NATIONHOOD AND GENDERED CITIZENSHIP

Introduction

The sovereign position of the nation in the republican State was officially perceived to be at stake in abortion law during the 1983 Oireachtas debate on the Eighth Amendment, as Chapter Seven has illustrated. This perception depended on a distinctly moral construction of nationhood, and legitimized an authoritarian nation-state project, which assumed that women's citizenship rights would necessarily be compromised through pregnancy. Thus, women were officially constructed as morally subordinate. This Chapter will consider how this official construction of national sovereignty and consequently women's citizenship was affected by the X case, when the official interpretation of the 'people's will' in relation to abortion law was thrown into question.

Political Context

The X case effected a legal-political crisis concerning the meaning and value of the Eighth Amendment, already discussed. This had a major impact on the nation-state's international status, as the State's action in preventing a fourteen-year-old pregnant rape victim from leaving the country to obtain an abortion was constructed both nationally and internationally as explicitly authoritarian, the antithesis of republican democracy. Ireland's position within the European Union was now in doubt, since the ratification of the Maastricht Treaty was immanent, a Treaty which had been amended in order to explicitly guarantee

that Article 40.3.3° of the Irish Constitution could not be infringed by European Law. As already mentioned, opposition to the ratification of this Treaty now emerged from both anti-abortion and feminist perspectives, given the legal uncertainty about the meaning of that Article following the Supreme Court's reinterpretation of it in their decision on the X case. The Oireachtas debate on the Eleventh Amendment to the Constitution in May 1992, concerning the ratification of the Maastricht Treaty, consequently became enmeshed in a debate on women's and foetal citizenship. The Government gave a commitment that the legal confusion thrown up by the X case would be resolved, and finally proposed the Twelfth, Thirteenth and Fourteenth Constitutional Amendments, concerning the right to abortion, travel and information, which were debated in the Oireachtas during October 1992. These four Oireachtas debates concerning constitutional abortion law contained a more complex range of political positions than those articulated during 1983, when the 'pro-life' political project had been hegemonic.

The Government refused to publish the proposed wordings which would be put to the people in a referendum, concerning women's rights to abortion, travel and information, despite being urged to do so by all other parties and lobby groups. If this had been done, the uncertainties surrounding both Irish women's citizenship and the legality of abortion would have been resolved. By refusing to comply with public demands, the Government was attempting to remove the issue of abortion law from the Maastricht debate, a strategy which failed in the Oireachtas at least, if not in the voting booths.

The debates of October 1992 focused largely on citizenship questions in relation to the nation and the nation-state. The anti-abortion lobby argued that the Twelfth Amendment, on the 'substantive issue' of abortion availability, should not be accepted, as it allowed for limited abortion, and so failed to

protect the right to life of the foetus. Reproductive rights campaigners, on the other hand, called for its rejection, on the grounds that the proposed amendment was not only too limited but would reverse the rights recognised in the X case judgment. Under the proposed Twelfth Amendment, abortion would only be allowed when a woman's life, as distinct from her health, was at stake, excluding a risk of suicide. As such, the State was failing to protect women's health, and was attempting to draw a sharp line between life and health, as well as between physical and mental health, when such distinctions in practice are far from clear.

Key Themes

Two key themes structure the forthcoming discussion. First, official constructions of the sovereign nation in the Oireachtas will be considered in the wake of the X case, in relation to competing entrepreneurial constructions. This involves considering both official constructions of nationhood, and official views of the relationship between the sovereign nation and the democratic republican nation-state. The second key theme to be discussed concerns the effect of popular sovereignty on women's status as citizens in the democratic nation-state.

The X Case: Rupture and Reconstruction of Popular Sovereignty and Gendered Citizenship in the Oireachtas

The Sovereign People and the Constitution

As in 1983, the Constitutional debates concerning abortion following the X case focused largely on the sovereign status of the people. However, the public reaction to the case disrupted the official view that 'the people' held a clear moral position on abortion. The disruption to official perceptions of nationhood

produced more dispersed lines of debate in the Oireachtas than was evident during 1983, as will be described below.

Popular Sovereignty: the Moral Nation?

Anti-abortion positions expressed in the Oireachtas following the X case continued to construct the nation in moral terms. From this perspective, 'the people's will' should define moral issues at a constitutional level, since only then could the nation's sovereignty be guaranteed.¹ 'The people' had already expressed their view on abortion in the 1983 referendum. Thus, the judicial decision in the X case had actually usurped popular sovereignty, by disregarding the already expressed national opposition to abortion. As Senator Des Hanafin argued,

[the X case] was a dreadful decision and it cries out to be reversed, not to be taken on board and made the law of the land. To do so would be to make a mockery of the decision of the people in 1983 to reject abortion. (Seanad Éireann, 14th May 1992, Vol. 132 Col. 1049)

Not only had the judiciary acted 'perversely' in his view by interpreting the Eighth Amendment in such a way as to allow for a right to abortion against the expressed will of the people, but popular sovereignty was under further threat from the European Union. Abortion would, in Senator Hanafin's view, be 'imposed' on Ireland if the Maastricht Treaty were to be ratified without a secure constitutional ban on abortion in place. The Government was consequently under a constitutional obligation to restore the people's sovereignty:

¹As Senator O'Cuív insisted, '... we have something precious in our Constitution, something in our democracy that a lot of other democracies would give a lot to have, and that is that in the ultimate, under God, all authority derives from the people' (Seanad Éireann, 29th October 1992, Vol. 134 Col. 740).

The Supreme Court read into the Constitution a right of abortion which I believe no Member of the Oireachtas thought to exist. Did any of us who voted in the 1983 referendum, on either side, seriously think that the Eighth Amendment could be so interpreted? Were we not certain, whatever our views, that, as a result of the referendum abortion could not be legalised in Ireland without a further decision by the people? I do not think it unreasonable to say that this was a perverse decision. It has overthrown the clearly expressed will of the people, and something has to be done about it. It is a matter of great regret to me, and a matter of dismay to many people throughout the country, that the Government did not accept at once that the issue should be referred back to the people. (Seanad Éireann, 14th May 1992, Vol. 132 Col. 1046)

This position insists on the nation's continued and unambiguous moral opposition to abortion, a strategy which depended on ignoring the popular reaction to the X case, and the popular relief which was expressed at the Supreme Court's decision to lift the injunction against X.²

However, the construction of the sovereign nation in moral terms was not only rejected but was criticized as the cause of the X case itself by feminists in the Oireachtas. For example, Senator Avril Doyle argued that 'we are here because a certain section of the community believed back in 1982-83 that their view on

²Indeed, the constitutional duty of the Oireachtas in relation to the sovereign nation entailed curbing alternative interpretations, including those made by the Judiciary, in this view. As Senator O'Cuív put it: '... if unscrupulous people try to extend the frontier by misreading or misunderstanding this amendment then the Oireachtas will legislate to stop people deviating from existing ethical practices. That would ensure that the intention of the people would be cemented in legislation if there is an effort to go outside the intention I have outlined' (Seanad Éireann, 29th October 1992, Vol. 134 Col. 747).

morality should be enshrined in our Constitution' (Seanad Éireann, 28th October 1992, Vol. 134 Col. 616). Thus, the construction of the nation itself as morally opposed to abortion was not articulated here. Rather, the Eighth Amendment was re-characterized as the product of political lobbying by a specific (not national) group. Popular sovereignty is not defined here at the level of morality:

The Constitution is only suitable for enunciating democratic principles as distinct from moral principles. The function of the courts in upholding a Constitution is to ensure democratic principles of behaviour. Republican principles, as guided by Wolfe Tone and others in forming their Republican philosophy, are the principles I like to see in our Constitution, the principles of liberty, equality and fraternity, for example, democratic principles, not moral principles of behaviour. (Seanad Éireann, 28th October 1992, Vol. 134 Col. 616-7)

Nevertheless, a moralistic construction of popular sovereignty continued to define the official view of what was at stake in abortion access following the X case, although in less overtly 'moral' terms. For example, the Minister for Justice, Padraig Flynn, in proposing the Twelfth Amendment on the 'substantive issue' concerning women's right to access abortion, insisted on the continued national moral opposition to abortion, which, in his view, the State was constitutionally obliged to recognise. As he said, '[t]here is a long and proud tradition here which regards the right to life as belonging to the unborn as well as to those who have been born' (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1894).

Although Minister Flynn claimed that the Government did recognise moral diversity within the nation in relation to abortion, saying '[w]e recognise the genuineness and the depth of people's feelings and concerns about this whole subject - whether from a pro-life, pro-choice or other point of view' (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1910), he nevertheless repeated the perspective of anti-abortion lobbyists in the Oireachtas. In this official view, the Supreme Court's decision in the X case had undermined popular sovereignty by ignoring the result of the 1983 referendum on the Eighth Amendment:

There is a substantial body of opinion among the general public that the position now obtaining under Article 40.3.3° of the Constitution, in so far as a risk of self-destruction can serve as a ground for termination, is at variance with what many people thought it would be when that provision was adopted by referendum in 1983. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1907)

This reproduces the 1983 official construction of the nation in terms of a moral majority.³ Thus, the apparent recognition of moral diversity within the nation was countered by an official desire to actively reconstruct national moral consensus on abortion following the X case. For example, Minister Flynn justified the Government's decision to take the constitutional route rather than

³This view of the 'majority' position on abortion was also articulated by opposition Fine Gael Deputy Alan Shatter: '[n]either the Fine Gael Party nor the overwhelming majority of people on this island want to see general abortion available in Ireland - what some people refer to as 'abortion on demand' (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1918). Indeed, in Deputy Shatter's view, abortion had been introduced to Ireland by the anti-abortion lobby's constitutional actions: '[t]he primary result of the 1983 amendment was to ensure that more people in Ireland were informed about the availability of abortion outside Ireland than would previously have considered abortion as an option. It also has now provided for an implicit constitutional right to abortion, which right is now to be made explicit, in the terms of the Twelfth Amendment of the Constitution Bill' (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1920).

introduce legislation to interpret the Eighth Amendment, as the judiciary had demanded, as follows:

... any legislation which would be introduced without an amendment of the Constitution would have to accept in full the findings of the Supreme Court in the X case, including the finding that a risk of suicide would be a ground for abortion. Suicide as a ground could not be removed by legislation alone. Also, without an amendment the possibility could not be excluded that at some future date the grounds for abortion could be widened. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1907)

The official view expressed here was that the people remained opposed to abortion, and that the Government and the Oireachtas had a constitutional duty to recognize that moral position in law-making.

When introducing the proposed Twelfth Amendment, Minister Flynn expressed the Government's appreciation that all parties had tried, albeit unsuccessfully, to reach consensus on the 'substantive issue' of abortion access. However, while he was clearly anxious to persuade those holding anti-abortion views of the value of the proposal, the Minister commented that there was 'clearly' no prospect of achieving consensus with those who, as he saw it, support abortion on demand (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1897). As he said,

It would be a tragedy for the unborn if the amendment were to be defeated in the forthcoming referendum by a combination of those who do not wish the unborn to be protected by the law - i.e. who in greater or lesser degree favour permitting abortion in this country - and certain misguided persons on the pro-life side who seem to be

blind to the merits of the amendment from their own point of view.

(Dáil Éireann, 20th October 1992, Vol. 423 Col. 1902)

He presented his search for consensus as an attempt to exclude 'extreme' views from consideration, thereby producing a law which 'moderate' people could accept:

I hope to persuade the House and the people of our country that the more extreme views expressed on either side of the debate should be rejected and that the amendment now being proposed should be accepted as a moderate and balanced response to the problem presented. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1897)

His definition of 'extreme' views includes advocates of abortion access in situations such as the X case itself, where the threat to X's life was one of suicide. The public reaction to official attempts to enforce X, a rape victim, to remain pregnant and give birth against her will was thus excluded from the Minister's construction of a 'moderate and balanced response', since allowing abortion in situations of rape and incest, or where a woman's mental and physical health is at stake, were the very situations which the proposed Twelfth Amendment sought to exclude. In other words, advocating such exceptions would amount to an 'extreme' view effectively facilitating abortion on demand, viewed by the Minister as anathema to the sovereign 'people's will'.

Thus, the official perception that popular sovereignty had been infringed by the judicial reinterpretation of the Eighth Amendment in the X case relied on a moral construction of the 'people', despite the official recognition of divergent moral positions on abortion. This contradiction required active construction of moral consensus by the Government.

Popular Sovereignty and the Democratic Nation-State

Despite the disruption the X case produced in popular attitudes to abortion, debates in the Oireachtas during 1992 concerning popular sovereignty in the field of abortion law continued to include some overtly expressed authoritarian views of the relationship between the republic and the sovereign nation. For example, Senator O'Cuív articulated an authoritarian national-political view when he insisted that men's moral positions should be taken into account in designing abortion law, not only because legislators had a duty to represent all their constituents, but because men were necessarily concerned, as husbands and fathers, about the women in their families (Seanad Éireann, 29th October 1992, Vol. 134 Col. 739).⁴ In this view the traditional patriarchal family should play a key role both on abortion law and on abortion decision-making. Senator Hanafin's opposition to the Maastricht Treaty also relied on an authoritarian politics:

It seems their [sic] is a fundamental principle involved here to an independent people[:] we must be able to ensure [that] whatever protection we decide to accord in our Constitution to life before birth cannot be undermined or overturned by any external court or institution. (Seanad Éireann, 14th May 1992, Vol. 132 Col. 1051)

The unambiguous characterization of the 'independent people' here in terms of abortion morality, which 'we' must ensure is maintained in the face of external

⁴As he said '[the] implication that men would view with indifference something that would happen to women or that men would view with indifference, if we take it on to a personal level, something that might happen to their own wives and to their own daughters [...] is very offensive to me because I believe the bond between family in that sense is a strong a bond as exists. I know of very few married men who would not give anything to protect the lives of their wives and the lives of their children' (Seanad Éireann, 29th October 1992, Vol. 134 Col. 739).

threat, articulates a morally partisan nation-state project, that necessarily reinscribes a subordinate construction of women in primarily maternal domestic terms, and that necessarily resists taking account of the X case itself.

The debates concerning abortion law in the Oireachtas during 1992 also included feminist interpretations of the connection between ideas of national sovereignty the democratic status of the nation-state. From this perspective, a moral construction of the sovereign nation's view on abortion has specific implications for women. Deputy Nuala Fennell, for instance, underlined the impact of official anti-abortion nationhood on women's sense of national identity:

As it is now, more women will be proud of being European than of being Irish. Being Irish and female is to have to make excuses, it is having to rationalise, it is having to explain why one is not to be trusted to make decisions that are right for oneself. It is akin to being treated like a criminal or an immature child. (Dáil Éireann, 5th May 1992, Vol. 419 Col. 269)

Thus, Deputy Fennell explicitly criticized the dependence of the anti-abortion nation-state on a construction of women as subordinate to the moral nation. In other words, the official view that popular sovereignty should be exercised at the level of morality necessarily infringed not only women's moral autonomy, but women's position within the anti-abortion moral nation.⁵

⁵Furthermore, Senator Avril Doyle underlined how the 'pro-life' nation-state project did not address social inequality. As she argued, 'If we are really pro-life how have we hospital queues and a two-tier system for health treatment in our country between the medical cardholder and the private patient? Is it pro-life to have the many prefabricated schools our children at primary and secondary level have to put up with? Is it pro-life to have no juvenile court system or not to have sufficient paediatric units within easy access particularly in rural areas? Is it pro-life not to have enough third level places for our young people given the

The impact of these feminist arguments concerning the connection between popular sovereignty and national identity could be seen in shifting official views of the relationship between popular sovereignty and the nation-state. While popular sovereignty continued to be officially constructed in moral terms, as indicated above, the relationship between the sovereign moral nation and the democratic State was officially reformulated in less authoritarian terms.

In particular, there was an explicit official perception, following the X case, that specifically religious principles could not be used in interpreting the law in a democratic State. As Minister Padraig Flynn stated:

Pro-life groups make much of the distinction between 'direct' and 'indirect' termination mainly on the basis that an indirect termination is an unintended effect of other treatment. It seems to me that this distinction could not serve as the basis for a constitutional provision on this subject. [...] As a matter of law foreseen consequences of an act are, of course, intended. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1900)

This was a significant shift from the 1983 debates, when the Catholic principle of 'indirect effect' was key to the official insistence that women's lives would not be placed at risk by the recognition of an 'unborn' right to life. As Minister Flynn notes, the law defines intention simply as foreseeable consequences, whereas Catholic doctrine defines intention in moral terms. Thus, a person is legally accountable for the foreseeable (intended) consequences of their

importance of education to obtain work? Is it pro-life that this Government have not fully implemented the Child Care Act?' (Seanad Éireann, 28th October 1992, Vol. 134 Col. 621)

actions, whereas a person is morally accountable, in Catholic terms, not for all foreseeable consequences but only for those that were actually intended.

However, while this appears to indicate a significant shift towards a morally impartial nation-state, the Minister's statement was justified not in terms of constitutional moral pluralism, but rather in terms of medical and legal practicality. Specifically, Minister Flynn argued that the 'indirect effect' principle was ambiguous, and would cause confusion to medical and legal professionals in practice.⁶

Furthermore, the terms of the proposed Twelfth Amendment, which attempted to reassert national sovereignty in the field of abortion law by reversing the Supreme Court's judgment in the X case, effectively attempted to realign constitutional abortion law with Catholic 'indirect effect' doctrine. The latter allows for abortion in circumstances where medical intervention is necessary to save a pregnant woman's life, where the intervention is not primarily aimed at ending the pregnancy. The proposed Twelfth Amendment could have been interpreted in precisely these terms. Indeed, the 'indirect effect' principle informs medical guidelines, which, as the Minister for Health Dr. O'Connell indicated in the Seanad, the Government intended to rely on in order to interpret the Constitution once the Twelfth Amendment was ratified, rather than introducing interpretive legislation (Seanad Éireann, 28th October 1992, Vol. 134 Col. 623).⁷ Thus, while the official position concerning the relationship between the sovereign (moral) nation and the constitutional nation-

⁶'It is difficult to see', he argued, 'how it can be maintained, for example, that in removing a cancerous womb there is no intention of terminating the life of the foetus when that result is clearly foreseen from the very outset and is inevitable' (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1990).

⁷The position of Alan Shatter on the effect of the Eighth Amendment, namely that its protagonists had effectively introduced abortion into Ireland by highlighting its availability abroad (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1920), echoes this officially anti-abortion, 'pro-life' nation-state discourse.

state appeared to shift towards more explicitly democratic terms, the nation-state project was nevertheless reformulated at official level in implicitly authoritarian terms.

For example, the apparent shift towards a democratic formulation of the relationship between the nation and the State was countered by the continued official denial of political legitimacy to feminist reproductive rights arguments. This was apparent not only in the official rejection of the legitimacy of 'extreme views' described above, but also in the official construction of what constituted abortion 'information'. In proposing the Fourteenth Amendment, on freedom to provide and receive such information, the Minister distinguished 'directive' and 'non-directive' counselling as follows:

Directive counselling, as I understand it, is systematic guidance and advice and involves abortion referral. Non-directive counselling, on the other hand, consists of the provision of information and does not involve abortion referral. Non-directive counselling would clearly be covered by the right to obtain or make available information which is provided for in the amendment. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1914)

This official definition constructs explicitly anti-abortion counselling as 'non-directive'. Thus, anti-abortion counselling organizations would be able to operate legally and obtain financial support from the State under the proposed Fourteenth Amendment, whereas 'non-directive' counselling which actually facilitated women's decision-making, rather than attempting to influence it, would be curtailed if 'referral' were included in the range of services offered.⁸

⁸The 1995 Information Act reinforces this distinction, as discussed in Part One.

Thus, the reproduction of an official discourse of popular sovereignty as morally opposed to abortion, despite the popular response to the X case, also effectively reproduced an authoritarian official politics which sought to realign the Constitution with Catholic doctrine on abortion. This was evident in post-X case official abortion discourse despite the explicit official recognition both of the distinction between legal and moral principles, and of divergent positions on abortion law within the nation. Nevertheless, the official articulation of an apparently more democratic view of the relationship between the sovereign nation and the nation-state at least signified a new political legitimacy for morally pluralist positions within the nation-state, and the consequent new marginality of authoritarian politics, as defended by the anti-abortion lobby, as Part Three has illustrated.

Constitutional Abortion Law and Citizenship

What effect did this limited shift in official constructions of national sovereignty in the nation-state have for women's citizenship? Following the X case, feminist perspectives on the impact of the Eighth Amendment were explicitly articulated in both Houses of the Oireachtas, attacking the Government's continued denial of full citizenship to women. For example, Deputy Fennell underlined the effect the X case had on women's perception of their subordinate status in the nation-state:

... it is the likelihood of such injunctions [as in the X case] and the almost inevitability that they can happen, as much as the reality of their happening, which creates such a demoralising climate and makes a statement about women's lack of full status as persons and Irish citizens. (Dáil Éireann, 5th May 1992, Vol. 419 Col. 268)

Senator Doyle criticized the proposed Twelfth Amendment's failure to take seriously the centrality of women's rights to any legal regulation of abortion.⁹ Speaking specifically as a woman and a member of the nation she addressed the Minister for Health, Dr. O'Connell, as follows:

Frankly, as a woman, I feel abused by the Minister's treatment of me and other women on that [health] issue; I feel abused by the Government's treatment of me and every other woman in the country on this issue. I feel abused that there should be a distinction between my health, a serious threat to my health and any threat to my life on this issue. [...] I feel abused and you [the Minister for Health] tell me I am protected. We are very far apart, Minister, on this and I represent the view of most women[t] [sic] between the ages of 14 and 50, the category of women most threatened by what is before us today. Please listen to us. (Seanad Éireann, 28th October 1992, Vol. 134 Col. 618)

Not only, from this perspective, were women's rights to be compromised constitutionally, but the Government was disregarding the views of women, the very group whose rights were at stake, as Senator Doyle's plea, '[p]lease listen to us', indicates. Furthermore, her description of the Twelfth Amendment as 'abusive' reproduces the attacks on the Government in the earlier part of the year, when its actions were described as supportive of the rapist, as discussed in Chapter Four. In Senator Doyle's view, the State should not properly be

⁹Senator Doyle did not present herself as a feminist, although her position can be described as such. As she said: 'If only the Minister for Health would listen to the views of the women today, sensible balanced women without radical views, the ordinary woman in the street' (Seanad Éireann, 28th October 1992, Vol. 134 Col. 619). She positioned her own views in precisely these terms.

concerned with women's reproductive decisions, particularly in circumstances such as the X case.¹⁰

By contrast with this official feminist perspective, anti-abortion positions were also articulated in the Oireachtas during 1992, although now modified in terms of the justifications provided for the advocacy of rights for the 'unborn'. Post-X case anti-abortion discourse continued to insist that women's rights were not compromised by the Eighth Amendment. Senator Hanafin argued that it was absurd to suggest otherwise (Seanad Éireann, 14th May 1992, Vol. 132 Col. 1047). In this view, the official employment of the Catholic principle of 'indirect effect' would protect pregnant women in cases where their lives were at risk:

Necessary medical treatment for the mother, even those which have the secondary, unintended, effect of the death of the child have always been lawful here and elsewhere. Such treatments have not been regarded in law or in medicine as abortions. (Senator Hanafin, Seanad Éireann, 14th May 1992, Vol. 132 Col. 1048)

Only in circumstances where a 'mother' and consequently her 'unborn' would undoubtedly die should the right to life of the 'mother' take precedence. In situations where the 'unborn' might survive independently following medical intervention this view would appear to give priority to the foetal right to life:

... in a situation where the mother might die and in that case the foetus will die also the obvious and logical thing to do is to ensure the life of

¹⁰As she argued, 'I was convulsed, as was the nation, in January with the spectacle of the 14 year old in the X case, a victim being further victimised, being hauled through the courts because her parents wanted to take a certain line of action in the crisis pregnancy of a child. Whose business is it to tell her - to tell all the other X cases that may arise or to tell me or any other woman what we should do?' (Seanad Éireann, 28th October 1992, Vol. 134 Col. 619).

the mother. On the other hand, if the stage has been reached where the foetus is viable if medical intervention takes place, there is an obligation in my view of Article 40.3.3° to ensure the survival of the foetus as far as is practicable. (Senator O'Cuív, Seanad Éireann, 29th October 1992, Vol. 134 Col. 744)

However, some post-X case anti-abortion discourses newly acknowledged that foetal life did actually depend on women's lives, rather than insisting, as in 1983, that the 'unborn' were 'independent'. For instance, Senator O'Cuív argued that '[w]e want to ensure the right to life of the child but we cannot ensure that without also ensuring the right to life of the mother' (Seanad Éireann, 29th October 1992, Vol. 134 Col. 742). This acknowledgment of foetal dependency would seem to constitute a major departure from 1983. Nevertheless, the articulation of anti-abortion discourse in the Oireachtas continued to insist that women's right to life was not compromised by the Eighth Amendment.

The official Government perspective on the impact of constitutional abortion law on women expressed a new recognition that women's rights were indeed implicated in a Constitutional recognition of foetal rights. As Minister Flynn argued, in defending the proposed Twelfth Amendment:

... we would be failing in our duty to women and to their entitlement to protection where there is a risk to their life if we refused to take account of the fact that cases may arise, however infrequently, where the woman's life would be endangered by continuation of the pregnancy. If there were to be only one case in one million, or even ten or more million, we would have to take account of it. There is a duty on all of us to ensure that nothing is put into the Constitution which might, even in the remotest possible case, mean that action that

was necessary to save a woman's life would not be taken. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1901)

Thus, he argued, the proposed amendment would ensure that, where the rights to life of women and 'the unborn' might come into conflict, the woman's right would take priority:

It is reasonable to suggest that if a court had to choose between the right to life of the mother and the right to life of the foetus, that explicit constitutional guarantee would impel the court to save the life of the mother. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1902)

However, the official attempt to exclude a threat of suicide or threats to women's health from the constitutional definition of when a pregnancy can legally be terminated indicates that the Government were not substantially committed to protecting women's rights. Minister Flynn ignored repeated interruptions of his speech asking why suicide and health had been explicitly excluded from the proposed Twelfth Amendment. His general justification was that the Government was concerned to prevent the introduction of abortion on demand.¹¹ As he explained,

There is considerable room for subjective judgment in assessing whether a risk of suicide exists and the availability of such a ground for termination would carry the danger of opening the way to widescale abortion. It is quite clear that the experience in other

¹¹This position was echoed by Fine Gael Deputy Alan Shatter, in his speech advocating rejection of the proposed amendment. However, Deputy Shatter's position did not ignore the X case. He recommended that the risk that allowing for a right to abortion for suicidal women might enable access to abortion on demand should be dealt with through legislation, rather than constitutionally, precisely because of the circumstances of the X case (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1929).

countries has been that grounds for abortion related to the health, physical or mental, lead to abortion on demand. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1898)

Thus, the official expression of a concern to defend women's right to life was significantly limited by a view of women as morally untrustworthy. As in 1983, official regulation of women's reproductive capacity was justified in terms which positioned 'national' morality as superior to that of women. The consequent compromise of women's citizenship was specifically justified in national terms.

Furthermore, while Minister Flynn insisted that the Government was concerned to protect women's rights, the proposed Twelfth Amendment explicitly excluded a right to abortion where women's health was at risk. Minister Flynn simply insisted that women's health would not suffer as a result of the ratification of the Twelfth Amendment:

Under the amendment women will continue to receive all necessary medical treatment to protect their health. Current medical practice in this regard will not be affected. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1904)¹²

The Minister gave no reasons for this assertion. Indeed, he acknowledged that fears concerning women's health were expressed not only by women's groups and representatives, but by medical professionals themselves. However, he

¹²In criticizing this guarantee, Senator Doyle commented '[t]he Minister has no monopoly on wisdom in this area, nor has any political party or individual in these Houses. The arrogance with which the Minister, Deputy Flynn approaches this topic [...] given his views in 1983 worries me considerably. It was not the intention of the amendment in 1983 to put us in the position we find ourselves in today' (Seanad Éireann, 28th October 1992, Vol. 134 Col. 623).

attempted to characterize those expressing such concerns as 'pro-abortion', in a move reminiscent of 1983:

The suggestion that the words "as distinct from the health" should be omitted from the proposed amendment really boils down to this - that it should be possible to terminate the life of an unborn child where there is no risk to the life of the mother. (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1905)

Such a position was presented as self-evidently immoral. The Minister had already commented that, although he was concerned to construct consensus on abortion law, this did not include those who supported abortion on demand (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1897). Thus, although the official position had shifted following the X case towards recognition that women's right to life should take priority over that of the 'unborn' in the event of a conflict, this did not amount to official recognition either that women's rights were centrally involved in any attempt to regulate abortion access, or that women should be specifically consulted or considered in drafting any such legislation.¹³

The official decision to devise three constitutional amendments rather than either repealing the Eighth Amendment or adding one clause declaring that women's rights had priority over foetal rights, indicates the contradictions in the Government's position. Firstly, this strategy acknowledged that women's rights, not only to life, but to travel and information, had indeed been

¹³As Deputy Alan Shatter commented, 'I suspect that if the Government introduced legislation into this House which sought to include a provision in our Constitution which expressly allowed medical treatment in circumstances where a man's life was at risk but not his health it would be confronted by a parliamentary riot' (Dáil Éireann, 20th October 1992, Vol. 423 Col. 1927).

compromised by the Eighth Amendment. However, the strategy also enabled the continued recognition of 'unborn' rights. This was accomplished by explicitly limiting the effect foetal rights could have on specific rights accorded to women, namely life, travel and information, while leaving other rights, namely health and bodily integrity, in question. To do otherwise, according to Minister Flynn, would effectively undermine the force of the Eighth Amendment, officially viewed as the expression of the sovereign people's will, by facilitating abortion on demand. The Eighth Amendment thus continued to be officially constructed as a defence of the 'unborn' against women, rather than, for instance, as a means of enabling pregnant women to assert foetal rights when accessing medical care.

Conclusion

Following the X case, there were a number of significant shifts and contradictions within the official position on abortion articulated in the Oireachtas concerning the relationship between 'the people's will' and citizenship.

First, the Government were concerned to actively reconstruct a distinctly national anti-abortion consensus, despite their new recognition of diverse views among 'the people'. This signifies an official attempt to restore the State's democratic credentials following the X case, through the articulation of an official desire to restore popular sovereignty defined in terms of an anti-abortion morality. In so doing, the Government warned 'the people' that if the proposed Twelfth Amendment were to be rejected at referendum, legislation would be introduced in accordance with the X case reinterpretation of the Eighth Amendment. In other words, the Government warned that they would introduce what they explicitly considered to be an abortion-on-demand regime,

namely a right to abortion for suicidal girls and women, despite their expressed view that this would be anathema to 'the people's will'.¹⁴ This explicitly authoritarian relationship to 'the people', particularly given popular reactions to the X case, appears to abandon any substantial concern to protect or defer to popular sovereignty.

Thus, although the Government appeared to perceive the disjunction between their view of 'the people's will' and post-X case popular opinion, they nevertheless attempted to assert the former. This is particularly suggested by the absence of any substantial debate in the Oireachtas, unlike in the press, on abortion access in situations of rape and incest. Such concerns were outweighed by the official desire to prevent the introduction of an 'abortion-on-demand' regime, in line with the perception of the 'people's will'.¹⁵ Similarly, there was no attention given to the relationship between the family and the State in the Oireachtas debates, unlike the press coverage, where the State's apparent violation of the family involved in the X case was explicitly thematized. This possible strand of debate was curbed by the Government's proposal to recognize a constitutional right to travel which could not be compromised by the Eighth Amendment. Thus, parents could not in the future be enjoined if they decided to travel abroad to assist their daughters in terminating a pregnancy.¹⁶

¹⁴The actual rejection of that proposed amendment at referendum did not result in the introduction of legislation, as discussed in Part One.

¹⁵Indeed, Senator Doyle's appeal to rape victims to seek the morning after pill, on the grounds that this was not actually a form of abortion, indicates the difference between the debate in the Oireachtas and that in the press, where calls for abortion access for rape victims had been prominent, at least during the early part of the year. As she said, '[i]f one good message can come out of this debate, let it be a plea to those who have been raped, be it inside the family in the case of incest, in under-age relationships or the straightforward rape of an older woman of any age, to go for help immediately. There is help available and it does not amount to abortion as far as I am concerned' (Seanad Éireann, 28th October 1992, Vol. 134 Col. 622).

¹⁶Indeed, the Government itself availed of this compromised right to abortion during the 1997 C Case, discussed in Part One.

Second, despite the official articulation of an apparently democratic discourse aimed at guaranteeing a morally impartial nation-state, the official nation-state project remained implicitly authoritarian. Not only was the Government planning to rely in practice on Catholic doctrine as the key mechanism for interpreting constitutional abortion law, they employed a distinctly anti-abortion construction of what constituted abortion information.

Third, the post-X case Oireachtas debates on constitutional abortion law contained a new official recognition that women's rights were specifically implicated in producing such laws. Nevertheless, the Government's attempt to exclude cases involving possible suicide or health risks from the constitutional definition of when a pregnancy could be legally terminated indicates a lack of substantial official commitment to protecting women's rights. In justifying this official position, which received little attention in the press, women were constructed as morally subordinate to the nation. Nevertheless, despite the equivocations evident in the official position on abortion law, the recognition that women's rights, particularly the right to life, were indeed at stake was not insignificant. While this did not transform abortion law, or the construction of anti-abortion morality as 'national', it did allow for a greater degree of freedom for women than existed prior to the X case, not least as rights to information and travel were now newly guaranteed.

CONCLUSION

The X case had an intensely disruptive impact on 'the people', as well as on the nation-state, as the foregoing Chapters have illustrated. The idea that the nation was somehow responsible for the appalling situation of a fourteen year old pregnant rape victim caused an extraordinary public reaction which saw the anti-abortion lobby being publicly vilified for the first time.

On a personal level, the events of spring 1992 forced me to fundamentally reassess my own attitude to abortion law. What had been an abstract theological debate concerning the moral status of the 'unborn' was now suddenly transformed into tragic personal terms, throwing my unexamined assumptions into confusion. I became politically active for the first time as I attempted to reconsider my attitude to abortion law, attending public meetings held by the Galway Repeal the Eighth Amendment Campaign at the Atlanta Hotel. After I emigrated to London during the Summer of 1992, I began to try to make sense of what had happened, and what impact it had had both on myself and on Irish politics and society. My encounter with feminist cultural studies at Birkbeck College in London shifted my perspective significantly, enabling me eventually to re-situate the abortion conflict in the much broader context of discourses of nationhood, reproduction and sexuality. I was struck by the significance of gender both for law and politics, and for discourses of nationhood for the first time. This in turn has enabled me to reassess the key significance of abortion politics and law for hegemonic discourses of gender and sexuality.

The process of researching and writing this thesis had underlined to me both the significance of nationhood to abortion and reproductive politics, and the significance of abortion and reproductive politics for the idea of the nation and

the nation-state. The assumed and asserted identity of 'the people' was key both to the recognition of a right to life for 'the unborn' in 1983 and to the subsequent demonstrations against the High Court injunction in the X case. The traditional familial nation championed by the 1983 anti-abortion campaign became the assertively compassionate familial nation that would not force a fourteen-year-old to give birth to a rapist's baby. The moral absolutism on which the anti-abortion nationhood project depended was thereby undermined, both at the level of their own political discourse, as they were now forced to defend a woman's right to obtain an abortion abroad in order to retain their claim to be democratic, and at the level of the nation-state, as women's right to life was now officially recognised as superior to that of 'the unborn', in the event of a conflict.

The second thing that has impressed me in writing this thesis is the profound effects colonialism has had on popular and political culture.¹ The anti-colonial discourse relied on by the anti-abortion lobby, both in the run-up to the 1983 campaign, and in response to the X case, was key to the success of their campaign. The threat that Ireland would lose its independence from England through a form of cultural imperialism epitomized by legal abortion served to establish anti-abortion politics as distinctly national, and to characterise feminism in particular in neo-colonial terms. Thus, opponents of the Eighth Amendment, particularly feminist reproductive rights activists and workers, were disregarded in political debate, and actively prosecuted and criminalized thereafter.

In writing the thesis I have also been impressed by the political and personal significance of national identity in the context of abortion politics. The impact

¹This point has been noted, for example, by Smith (1994:242) in the context of right-wing politics in Britain.

of discourses of Irishness was very striking amongst both anti-abortion and feminist activists. The former demonstrated a clear concern with defending a 'pro-life' Irishness, as Chapter Five has outlined. The significance of Irishness for feminist activists was also apparent, although their less 'commonsensical' national-political identities was more personally problematic, and could not be publicly expressed prior to the X case.

I found thinking about the connection between abortion and national identity particularly disturbing, however, for the thousands of Irish women who had been forced to secretly obtain abortions in England, the very act which the 'pro-life' nation publicly abhorred, particularly prior to the X case. That temporary migration continues to be the only option open to women seeking abortions, regardless of their circumstances, underlines the official construction of women as morally subordinate to the nation, as women's status as citizens is compromised on the basis of 'the people's will'. Clearly, the official construction of 'the people' as anti-abortion excludes consideration of women's actions in seeking abortions abroad, relying instead on the result of a referendum held under circumstances of severe political pressure, where the proportion of people voting was uncharacteristically low, as an apparently unmediated and democratic statement of what 'the people' think about abortion.

Thus, abortion politics has been the site of major contestation over who 'the people' are. The anti-abortion lobby situated itself explicitly as a representative of the people in the early 1980s, and again following the X case, despite the popular demand that X be allowed to travel to Britain for an abortion. This particular attempt to assert authority over the terrain of the nation-state, as well as over women's embodiment, illustrates the neo-colonial tendency of this type of politics, a tendency which was indicated by the critical employment of the idea of internment in relation to the High Court injunction against X. Feminist

advocacy of reproductive freedom could not so easily claim to represent 'the people's will' until after the X case, when the very idea that there was a clear and unambiguous national position on abortion was thrown into question. Indeed, this was something that feminists had consistently pointed out, not least by highlighting the high numbers of Irish women who had traveled to Britain for abortions since the 1967 Abortion Act had been passed. This fact in itself undermined the assertion that the Irish nation was essentially anti-abortion.²

This thesis has underlined the centrality of 'the people's will' to the formulation of policy and law, and consequently for the possibility of feminist political success. The legitimacy of official policy and law, key stakes in gender and sexuality politics, depends on their position as 'popular', something that the anti-abortion lobby has significantly benefited from. The anti-abortion lobby in Ireland were already situated as 'national' prior to their campaign in the early 1980s, given the historical hegemony of conservative political culture since independence. Feminism was also consequently already associated with the antithesis of Irishness, namely English liberal political culture. While the X case disrupted these alignments, the ongoing uncertainty over abortion law suggests that the nation has not been entirely reformulated in terms which are hospitable to feminism and women's reproductive rights.

Nevertheless, the construction of Irishness has shifted since the X case, something I noticed, for instance, when I recently met two Irish emigrants in London, both in their early twenties, who could not understand the sense of exclusion expressed by women who had left Ireland during the 1980s. In their view, Ireland is a modern nation, and the idea that it is, or has until very

²This point was reiterated by a number of feminist interviewees.

recently been, conservative, traditional and misogynist is peculiar and incongruous.

Finally, this thesis has emphasized the significance of ideas of nationhood to feminist political theory, by underlining the ways in which popular political culture, articulated through contested discourses of nationhood, is central to women's status as citizens. This is clearly demonstrated by the fact that women around the world are forced to temporarily migrate between jurisdictions in order to obtain abortions. Thus, discourses of nationhood have direct effects on women's reproductive freedom. This connection between nationhood and women's citizenship illustrates the ways in which discourses of gender and sexuality are key to the operation of political power.

Epilogue

Following the Supreme Court's decision to lift the injunction against X, whose experience of rape and pregnancy have had such a profound impact on national political culture, she travelled to Britain, and her pregnancy miscarried while she was in hospital arranging an abortion (Holden 1994).

The prosecution of the rapist went ahead. He was charged with nine counts of sexual assault, and with unlawful carnal knowledge of a minor in July 1992. He denied the allegations against him until the last minute, attempting instead to implicate a young school friend of X's in the pregnancy. His claim that the publicity concerning the X case would prejudice his trial was rejected by the High Court in December 1993, and again by the Supreme Court in March 1994. He finally pleaded guilty to two counts of indecent assault and one of unlawful carnal knowledge in May 1994 (O'Morain 1995). He was convicted and sentenced to a total of fourteen years imprisonment in June 1994.

However, this sentence was reduced to 4 years on appeal in 1995, on the basis that his guilty plea had saved X the trauma of having to give evidence in court. Indeed, the appeal judgment described him as 'hard-working, a good family man who had never been in trouble before and who had surfaced from humble origins to a position of some influence' (*Irish Times* Editorial, 15th March 1995, p.11). He was eventually released in May 1997, having served only three years (Balls, 1997). He subsequently became a taxi-driver in Dublin, and has been accused of indecently assaulting another schoolgirl in his cab in September 1999 (O'Loughlin 1999).

Abortion politics in Ireland remains unresolved, as this thesis has demonstrated. Nevertheless, the impact of the X case on the official perception of 'the people's will' in relation to abortion was particularly evident in 1997, when the Irish State itself sought an abortion in Britain for a thirteen-year-old pregnant ward of court, also a suicidal victim of rape, in what is referred to as the C case. This case had also received national media attention, when C's father spoke on national radio about his daughter's pregnancy, and his own support for her decision to travel to Britain for an abortion. The Government's decision to assist her in terminating her pregnancy in Britain indicates an official awareness that 'the people' would not be upset by such official action, whereas denying her an abortion by 'interning' her within the state would involve a return to the political crisis generated by the X case.

However, I was again struck by the ongoing 'commonsensical' status connecting Irishness and anti-abortion politics in November 1998, when I attended a UK Parliamentary reception to launch an all-party Irish in Britain Parliamentary Group, as one of two representatives of the Irish Women's Abortion Support Group. A Labour Party MP introduced himself to us, and seemed quite shocked when he learned who we were, asking that we repeat the

group's name. As I noted in my research diary, his face literally fell, and he said that he didn't know there were any 'pro-abortion' Irish groups.³ The X case appears, if anything, to have reinforced a British construction of Irishness as a conservative and morally absolutist national identity.

Yet, anti-abortion politics have become increasingly unpopular in Ireland since the X case. Not only have the activities of the anti-abortion direct action organisation Youth Defence received critical press coverage, as outlined in the Introduction, but the activities of an anti-abortion pregnancy counselling agency, the Aadam's Women's Centre, have further damaged the anti-abortion project. The cases of 'Baby A' and 'Baby B' received critical national and international media attention in August and September 1999, when the agency unlawfully took custody of babies from two young women who had sought crisis pregnancy advice. The agency had deliberately directed the two women away from state support, and had misrepresented the law to them, with the assistance of legal and medical professionals. The couple running the agency had intended to adopt the babies themselves, despite the fact that privately arranged adoptions had been outlawed since April 1999 (Coulter 1999 'Crisis

³This MP's hostility to feminist reproductive rights activism was evident in his repeated comment during our conversation on abortion and the law, instigated by him, that if we shone a light into his eyes he would tell us everything. Not only did he thereby construct us as interrogators, he also suggested his own awareness of the contradictions in his position, since he resorted to this phrase rather than defending his views against our criticisms. He insisted that he was not a fanatic, believing that abortion was justifiable in cases of rape, a position he explained in terms of his paternal concern for his two daughters' safety. Although he seemed keen to end our conversation, repeatedly pointing to a nun on the other side of the room, and saying that he should go and talk to her to ensure 'balance', he nevertheless stayed, apparently concerned that he would appear anti-feminist. Indeed, he posed with us for a photographer. When my friend asked about his position on the failure to extend the 1967 Abortion Act to Northern Ireland, he responded that in his view that Act should be restricted to bring British law in line with that in Northern Ireland. I was afraid he would cause a scene when the speeches began. One speaker commented on the struggles over highly charged controversial issues which have characterised Irish/British politics. This MP turned to me saying aloud 'that's you - abortion'. However, his apparent desire not to appear anti-feminist was also evident when he left the reception, ostentatiously saying 'good-bye' to us across the room.

pregnancy group at centre of network' *Irish Times* 2nd September, p. 7; *Irish Times* Editorial 3rd September 1999, p. 11).

The future direction of abortion law remains unclear, not least due to the continued official construction of 'the People' as anti-abortion-on-demand. The public hearings held by the All Party Committee on the Constitution mentioned in the Introduction have not resulted in proposals for legislative or Constitutional change. Rather, the Committee's report has been referred back to a Cabinet sub-committee on abortion, whose report to the Government is not expected until the end of October 2000 (*Irish Times on the Web* 'Abortion Report Delayed' 26th September 2000). Furthermore, four Independent anti-abortion TDs, whose support the Government depends on to maintain power, are pressing for the reinstatement of an unambiguous constitutional ban on abortion (Donohoe, Miriam 'Group opposed to abortion wants position clarified' *Irish Times on the Web* 18th July 2000). It appears that another constitutional referendum on abortion is likely, an official strategy which would again construct 'the people' as the authors of abortion law. The effects on women as citizens and as members of the nation remain to be seen.

APPENDIX A: INTERVIEW GUIDE

INTRODUCTION:

- Explain research;
- Indicate that I am interested in personal motivations and opinions;
- Tell something about myself;
- Discuss what the research will be used for (PhD)
- Answer any questions;
- Request that the interview be recorded.

ORGANISATION'S HISTORY & POLITICS:

Organisation/Group:

Why was this org. set up?/ What are your organisations aims?

When did you join?

What attracted you to this particular organisation?

Where do you draw most of your support from?

Who are your main opponents?

Did the X case have any effect on your organisations aims and objectives (if org. pre-dates 1992)

What do you think is the general perception of your group?

Why do you think there is so much resistance to your group's ideas and agenda?

What do you think of Mary Robinson?

THE MEDIA:

What did you think of the media coverage of the X case?

Did you think your views/aims were (fairly) represented by the media?

If not, why do you think that was?

What did you think of the international reaction to the X case? ie., why do you think there was such a strong reaction against the High Court injunction internationally?

NATION:

At the time of the X case newspapers seemed to suggest that what really concerned people about the case was the message it gave to the world about what kind of nation Ireland is, and what kind of people the Irish are. What do you think of this?

Do you think that the recent and ongoing liberalisation of the constitution and the law [eg. contraception; homosexuality; abortion information; divorce] has anything to do with the outcome of the X case, and if so, is this a good thing?

Do you think the X case affected how Irish people view England, in the light of it being called a "safe-haven" for a pregnant rape victim after the X case?

Is Ireland the kind of place you want it to be? ie., the kind of place, for instance, that you would like the next generation to grow up in?

INTERVIEWEE INFORMATION:

Name:

Sex:

Place of residence:

Occupation:

Other political affiliations:

BIBLIOGRAPHY

PRIMARY SOURCES

Newspaper and Magazine Articles:

Arnold, Bruce (1992) 'The last judgment of Solomon' *Irish Independent* 6th March, p.12

Balls, Richard (1997) 'Man in X case freed after serving three years' *Irish Times on the Web* 27th June, <http://www.ireland.com>

Baltimore Sun 'Irish Abortion Quandry' 21st February 1992

Battersby, Eileen (1992) 'Protesters march on Dail' *Irish Times* 18th February p.7

Binchy, William (1992) 'New abortion regime "has no effective limits"' *Irish Times* 6th March, p.13

Blackwell, Annette (1983) 'Divisions within Govt. parties widen over Amendment' *Irish Independent* 29th August, p.9

Brady, Maxine (1992) 'Here we are in 1992...' *Fortnight* March p.12

Brady, Maxine (1992) 'Abortion "anarchists"' *Fortnight* September p.7

Carey, Mairéad (1992) 'Resist pressure, says TD' *Irish Press* 27th May, p.5

Christian Brothers (1998) advertisement 'Message from the Irish Christian Brothers' 29th March, p.5

Collins, Geraldine (1992) 'Bishops "need time to reflect"' *Irish Independent* 6th March, p.13

Coughlan, Denis (2000) 'Archbishop leaves Ahern with no easy way out' *Irish Times on the Web* 6th July, <http://www.ireland.com>

Coulter, Carol (1999) 'Crisis pregnancy group at centre of network' *Irish Times* 2nd September, p.7

Cremin, Monsignor F. P. (1983) 'A Catholic view of the Amendment' *Irish Independent* 29th August, p.8

Cummins, Mary (1992) 'Women's Groups warn fewer will report rape' 18th February, p.7

Donohoe, Miriam (2000) 'Group opposed to abortion wants position clarified' *Irish Times on the Web* 18th July, <http://www.ireland.com>

Donohoe, Miriam (1998) 'Brothers' belated act of contrition' *The Sunday Tribune* 29th March, p.6

Dowling, Brian, (1992) 'Outrage as court bans abortion for girl' *Irish Independent* 18th February, p.1, 9

Dowling, Brian, (1992) "'Nightmare scenario" warning in ruling fury' *Irish Independent* 18th February, p.9

Downey, James (1992) 'They didn't say Yes ... but they didn't say No' *Irish Independent* 27th May, p.13

Downey, James (1992) 'Govt. now must face up squarely to crisis' *Irish Independent* 6th March, p.13

Downing, John, and O'Reagan, Eilish (1992) 'Court's ruling has serious implications for EC Treaty' *Irish Independent* 6th March, p.14

Doyle, Diarmuid (1999) 'Archbishop's insensitivity won him no converts' *The Sunday Tribune* 7th March p.9

English, Bernie (1992) "'It was bound to happen" says McDowell' *Irish Press* 5th May, p.4

Fox, Marie and Murphy, Therese (1992) 'If men got pregnant ... ' *Fortnight* April p.18-19

Gearty, Conor (1992) 'Ruling means our Victorian legislation on abortion could prove unconstitutional' *Irish Times* 6th March 1992, p.18

Glen Frankel (1992) 'Court Ruling On Abortion Shakes Irish: Ruling Illuminates Conflicts over Future' *Washington Post* 19th February

Glennon, Chris (1983) 'FitzGerald fury over vital Dail defeat' *Irish Independent* 28th April, p.1

Harney, Mary (1992) 'A sea-change in attitudes' *Fortnight* May, p18

Healy, Alison (2000) 'Status of Catholic group questioned' *Irish Times on the Web* 13th July, <http://www.ireland.com>

Hogan, Tracey (1983) 'Kelly stand "insulting to thousands"' *Irish Independent*, 6th September, p.5

Hogan, Gerard (1992) 'A flawed interpretation' *Fortnight* March p.13-14

Holland, Mary (1992) 'New Irish PM faces first text on abortion' *Observer* 16th February

Humphreys, Joe (1999) 'Youth Defence protester 'tried to bash' a garda' *Irish Times* 9th April, <http://www.ireland.com>

Ingram, Attracta (1992) 'Creatures or compatriots?' *Fortnight* November p.21-24

Irish Independent "'The abortion dilemma": Bishops call for a new pro-life amendment' 27th May 1992, p.13

Irish Independent 'A disaster for women says UK help group' 18th February 1992, p.9

Irish Independent 'SPUC chief "happy"' 18th February 1992, p.9

Irish Independent 'Where the votes went in the division' 28th April 1983, p.1

Irish Independent 'Why the judges found in favour of the rape victim' 6th March 1992, p.8-9

Irish Independent 'Women leaders qualify welcome' 6th March 1992, p.14

Irish Independent Editorial, 18th February 1992, p.10

Irish Independent Editorial, 6th March 1992, p.12

Irish Independent Editorial, 27th May 1992, p.14

Irish Independent Editorial, 18th February 1992, p.10

Irish Independent Letters to the Editor, 6th September 1983, p.8

Irish Press 'Bishop is criticised on "slogan"' 6th September 1983, p.4

Irish Press 'Campaign dividing the nation' 29th August 1983, p.9

Irish Press 'Decision "is inconsistent with concept of justice"' 18th February 1992, p.7

Irish Press 'Decision dismays pro-life groups' 6th March 1992, p.7

Irish Press 'Group accept defeat but urge No vote' 6th September 1983, p.4

Irish Press 'Hederman backs High Court Order' 6th March 1992, p.5

Irish Press 'North doctors say vote Yes' 6th September 1983, p.4

Irish Press 'Objections to form of words "are contrived"' 6th September 1983, p.4

Irish Press Editorial, 29th August 1983, p.8

Irish Press Editorial, 18th February 1992, p.8

Irish Press Editorial, 5th May 1992, p.6

Irish Press Editorial, 25th November 1992, p.8

Irish Press Editorial, 6th March 1992, p.8

Irish Press Editorial, 27th May 1992, p.8

Irish Press Editorial, 5th May 1992, p.6

Irish Press Editorial, 18th February 1992, p.8

Irish Press Editorial 15th February 1992, p.8

Irish Press Letters to the Editor, 6th September 1983, p.8

Irish Press Letters to the Editor, 29th August 1983, p.8

Irish Times 'A bad day's work, says Dean Griffin' 28th April 1983, p.1

Irish Times 'Abortion report delayed' 26th September 2000, <http://www.ireland.com>

Irish Times 'Anti-abortion protesters fined £250' 6th July 2000, <http://www.ireland.com>

Irish Times 'Dáil exchanges, AG rules out discussion on case' 14th February 1992, p.1

Irish Times 'Members of Youth Defence are sentenced' 15th April 1999, <http://www.ireland.com>

Irish Times 'Scenario "not envisaged" in 1983 vote' 15th February 1992, p.5

Irish Times 'State attempts to stop girl's abortion' 12th February 1992, p.1

Irish Times 'Youth Defence convictions are overturned' 11th July 2000,
<http://www.ireland.com>

Irish Times 'Youth Defence ordered to keep away from clinics' 12th March 1999,
<http://www.ireland.com>

Irish Times 'Rapist at the centre of 'C' case is sentenced to 12 years in prison' 18th December 1998, p.4

Irish Times Editorial, 6th March 1992, p.19

Irish Times Editorial, 18th February 1992, p.13

Irish Times Editorial, 25th November 1992, p.15

Irish Times Editorial, 3rd September 1999, p.11

Irish Times Editorial 15th March, p.11

Irish Times Letter to the Editor, 29th August 1983, p.11

Irish Times Letters to the Editor, 6th September 1983, p.11

Irish Times Letters to the Editor, 18th February 1992, p.13

Irish Times Letters to the Editor, 6th March 1992, p.19

Irish Times on the Web Editorial, 18th May 1998, <http://www.ireland.com>

Irish Times on the Web Editorial 'The Death of Baby Howe' 11th October 1997,
<http://www.ireland.com>

Jennings, Sharon (2000) 'Politicians divided' *Fortnight* 387: 11

Joyce, Joe (1992) 'Irish court stops UK abortion for rape victim' *The Guardian* 13th February

Keena, Colm (1992) 'SPUC slams "exploitation"' *Irish Press* 18th February, p.6

Kennedy, Maev (1983) 'Papal Nuncio offers Mass of atonement' *Irish Times* 29th August, p.8

Kennedy, Geraldine (1992) 'Opposition TDs to seek debate on judgment' *Irish Times* 18th February, p.7

Kiely, Niall, and Cusack, Jim (1992) 'Garda file on alleged rape incomplete' *Irish Times* 18th February, p.7

Kiely, Niall (1992) 'Five wigged men, solemn as sin in black robes' *Irish Times* 6th March, p.1

Lavery, Don (1992) 'Abortion view 'foisted on all' *Irish Independent* 25th November, p.15

Lavery, Don (1992) 'Andrews confident on EC role' *Irish Independent* 5th May, p.11

Lee, Simon (1992) 'Straightening the bishops' swing' *Fortnight* April p.19-20

Los Angeles Times Editorial 'When Abortion Is Illegal: Ireland shows how not to handle the issue' 19th February 1992

Loughran, C. (1985) 'The Women's Movement in Northern Ireland: Between Republicanism and Feminism' *Fortnight* 220

Magee, Audrey (1992) 'In Ireland? Surely not' *Fortnight* September p.7

Manzoor, Farhat (2000) 'So very Precious' *Fortnight* 387: p.10-11

McCarthy, Aine (2000) "'I always thought I was against abortion, but ...'" *Irish Times on the Web* 4th July, <http://www.ireland.com>

McGarry, Patsy (2000) 'Churches invited to abortion hearings' *Irish Times on the Web* 15th June, <http://www.ireland.com>

McGarry, Patsy (2000) 'Connell to give views to abortion hearings' *Irish Times on the Web* 3rd July, <http://www.ireland.com>

Mercy Sisters (1996) Advertisement 'Mercy Sisters Express Regret' *Sunday Tribune* 25th February 1996, p.4

Moloney, Eugene (1992) 'Rally chants banned number' *Irish Independent* 18th February, p.9

Murdoch, Alan (1992) 'Rape victim, 14, denied abortion' *Independent* 18th February

Nolan, Patrick (1983) 'Why I am voting "Yes"' *Irish Times* 6th September, p.6

O'Carroll, Mary (1999) 'No change down south' *Fortnight* March p.11-13

O'Connell, Mark (1992) 'A short-term solution' *Fortnight* November p.20-21

O'Hara, Sarah (1992) 'Abortion: AG's wife speaks out' *Irish Press* 25th November, p.10

O'Loughlin, Ann (1999) 'X-case rapist accused of sex assault on girl' *Irish Independent* 20th September, p.16

O'Morain, Padraig (1995) 'Main events in the X case' *Irish Times* 15th March, p.7

O'Regan, Eilish (1992) 'Bishops accused of "disregard for women"' *Irish Independent* 27th May, p.12

O'Reilly, Emily (1992) 'One step forward and two steps back' *Irish Press* 6th March, p.6

O'Reilly, Emily, and Muldoon, Paul (1992) 'Abortion: Dail Moves: TDs plan queries on judgment' *Irish Press* 18th February, p.1

O'Reilly, Emily (1992) 'Opposition in calls for Govt. Clarification' *Irish Press* 18th February, p.6

O'Reilly, Emily (1992) 'Abortion now legal: landmark decision sets major problem for the Government' *Irish Press* 6th March, p.1

O'Reilly, Emily (1992) 'Praying it would go away' *Fortnight* March p.11-12

O'Toole, Fintan (1992) 'Today is the day that Ireland must grow up' *Irish Times* 25th November, p.14

Ryan, Liz (1983) 'Hysterical exchanges and frayed tempers before vote' *Irish Independent* 28th April, p.1

Shatter, Alan (1992) 'Difficult issues still remain to be resolved' *Irish Times* 6th March, p.13

Siggins, Lorna (1992) 'Anti-amendment groups react positively' *Irish Times* 6th March, p.12

Smyth, Ailbhe (1992c) 'A quarter for a half' *Fortnight* 310: 50

The Philadelphia Inquirer 'Rape victim's plight shakes soul of Ireland' 20th February 1992

Tynan, Maol Muire, (1992) 'Implications need to be faced, say politicians' *Irish Times* 6th March, p.11

Walsh, Dick (1983) 'Bigger role for Supreme Court says Taoiseach' *Irish Times* 6th September, p.1

Whelan, Anthony (1992) 'It's over to the doctors' *Fortnight* November p.24-25

William E. Schmidt (1992) 'Girl, 14, Raped and Pregnant, Is Caught in Web of Irish Law' *New York Times* 18th February

Yeates, Padraig (1992) 'Opponents claim decision "legalises" abortion' *Irish Times* 6th March, p.12

Interviews

Interview with 'Eoin', 9th December 1996, Galway.

Interview with 'Marie', 9th December 1996, Galway.

Interview with 'Sinéad', 10th December 1996, Galway.

Interview with 'Catherine', 10th December 1996, Dublin.

Interview with 'Jo', 11th December 1996, Dublin.

Interview with 'James', 12th December 1996, Dublin.

Interview with 'Helen', 13th December 1996, Dublin.

Interview with 'Ruth', 13th December 1996, Dublin.

Interview with 'Jane', 14th May 1997, Dublin.

Interview with 'Susan', 15th May 1997, Dublin.

Interview with 'Fiona', 17th May, 1997, County Dublin.

Interview with 'Ailecn', 19th May 1997, Dublin.

Interview with 'Paul', 20th May 1997, Dublin.

Parliamentary Debates

Dáil Éireann, 26th January 1983, *Parliamentary Debates*. Questions; Oral Answers. Vol. 339. Col. 123-129. Dublin: The Stationery Office.

Dáil Éireann, 9th February 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 339. Col. 1353-1414. Dublin: The Stationery Office.

Dáil Éireann, 17th February 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 340. Col. 459-533. Dublin: The Stationery Office.

Dáil Éireann, 17th February 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 340. Col. 577-608. Dublin: The Stationery Office.

Dáil Éireann, 23rd February 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 340. Col. 969-980. Dublin: The Stationery Office.

Dáil Éireann, 2nd March 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 340. Col. 1575-1630. Dublin: The Stationery Office.

Dáil Éireann, 8th March 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 340. Col. 1993-2052. Dublin: The Stationery Office.

Dáil Éireann, 24th March 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 341. Col. 771-796. Dublin: The Stationery Office.

Dáil Éireann, 27th April 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Committee Stage. Vol. 341. Col. 2001-2052. Dublin: The Stationery Office.

Dáil Éireann, 27th April 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Committee and Final Stages. Vol. 341. Col. 2149-2237. Dublin: The Stationery Office.

Dáil Éireann, 27th April 1983, *Parliamentary Debates* Referendum (Amendment) Bill, 1982: Second and Subsequent Stages. Vol. 341. Col. 2237-2238. Dublin: The Stationery Office.

Seanad Éireann, 4th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 100. Col. 509-597. Dublin: The Stationery Office.

Seanad Éireann, 5th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 100. Col. 623-708. Dublin: The Stationery Office.

Seanad Éireann, 10th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 100. Col. 746-854. Dublin: The Stationery Office.

Seanad Éireann, 11th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Second Stage. Vol. 100. Col. 856-919. Dublin: The Stationery Office.

Seanad Éireann, 18th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Committee Stage. Vol. 100. Col. 933-1021. Dublin: The Stationery Office.

Seanad Éireann, 19th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Committee Stage. Vol. 100. Col. 1032-1062. Dublin: The Stationery Office.

Seanad Éireann, 25th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Report Stage. Vol. 100. Col. 1108-1184. Dublin: The Stationery Office.

Seanad Éireann, 26th May 1983, *Parliamentary Debates* Eighth Amendment of the Constitution Bill, 1983. Report and Final Stage. Vol. 100. Col. 1231-1342. Dublin: The Stationery Office.

Dáil Éireann, 18th February 1992, *Parliamentary Debates* Ban on Termination of Young Girl's Pregnancy: Statements. Vol. 415 Col. 2203-2223. Dublin: The Stationery Office.

Dáil Éireann, 5th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Second Stage. Vol. 419 Col. 155-309. Dublin: The Stationery Office.

Dáil Éireann, 6th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Second Stage. Vol. 419 Col. 336-598. Dublin: The Stationery Office.

Dáil Éireann, 7th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Second Stage 419 Col. 631-727. Dublin: The Stationery Office.

Dáil Éireann, 7th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Committee and Final Stages 419 Col. 790-819. Dublin: The Stationery Office.

Dáil Éireann, 20th October 1992, *Parliamentary Debates* Twelfth Amendment of the Constitution Bill, 1992: Second Stage. Vol. 423 Col 1893-1950. Dublin: The Stationery Office.

Dáil Éireann, 20th October 1992, *Parliamentary Debates* Twelfth Amendment of the Constitution Bill, 1992: Second Stage. Vol. 423 Col 1989-2075. Dublin: The Stationery Office.

Dáil Éireann, 21st October 1992, *Parliamentary Debates* Twelfth Amendments of the Constitution Bill, 1992: Second Stage. Vol. 424 Col. 19-68. Dublin: The Stationery Office.

Dáil Éireann, 21st October 1992, *Parliamentary Debates* Twelfth Amendments of the Constitution Bill, 1992: Second Stage. Vol. 424 Col. 178-246. Dublin: The Stationery Office.

Dáil Éireann, 21st October 1992, *Parliamentary Debates* Twelfth Amendments of the Constitution Bill, 1992: Second Stage. Vol. 424 Col. 289 - 371. Dublin: The Stationery Office.

Dáil Éireann, 22nd October 1992, *Parliamentary Debates* Thirteenth Amendment of the Constitution Bill, 1992: Second Stage .Vol. 424 Col. 371. Dublin: The Stationery Office.

Dáil Éireann, 22nd October 1992, *Parliamentary Debates* Thirteenth Amendment of the Constitution Bill, 1992: Committee and Final Stages. Vol. 424 Col. 402-446. Dublin: The Stationery Office.

Dáil Éireann, 22nd October 1992. *Parliamentary Debates* Fourteenth Amendment of the Constitution Bill, 1992: Second Stage. Vol. 424 Col. 372-375. Dublin: The Stationery Office.

Dáil Éireann, 22nd October 1992. *Parliamentary Debates* Fourteenth Amendment of the Constitution Bill, 1992: Committee Stage. Vol. 424 Col. 446-486. Dublin: The Stationery Office.

Dáil Éireann, 22nd October 1992. *Parliamentary Debates* Fourteenth Amendment of the Constitution Bill, 1992: Committee and Final Stages. Vol. 424 Col. 606-629. Dublin: The Stationery Office.

Seanad Éireann, 14th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Second Stage Vol. 132 Col. 956-1076. Dublin: The Stationery Office.

Seanad Éireann, 15th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Second Stage Vol. 132 Col. 1101-1177. Dublin: The Stationery Office.

Seanad Éireann, 15th May 1992, *Parliamentary Debates* Eleventh Amendment of the Constitution Bill, 1992: Committee and Final Stages Vol. 132 Col. 1177-1212. Dublin: The Stationery Office.

Seanad Éireann, 28th October 1992, *Parliamentary Debates* Twelfth Amendment of the Constitution Bill, 1992: Second Stage Vol. 134 Col. 583-711. Dublin: The Stationery Office.

Seanad Éireann, 29th October 1992, *Parliamentary Debates* Twelfth Amendment of the Constitution Bill, 1992: Second Stage Vol. 134 Col. 733-827. Dublin: The Stationery Office.

Seanad Éireann, 30th October 1992, *Parliamentary Debates* Twelfth Amendment of the Constitution Bill, 1992: Committee and Final Stages. Vol. 134 Col. 886-921. Dublin: The Stationery Office.

Seanad Éireann, 29th October 1992, *Parliamentary Debates* Thirteenth Amendment of the Constitution Bill, 1992: Second Stage Vol. 134 Col. 827-831. Dublin: The Stationery Office.

Seanad Éireann, 30th October 1992, *Parliamentary Debates* Thirteenth Amendment of the Constitution Bill, 1992: Committee and Final Stages. Vol. 134 Col. 843-865. Dublin: The Stationery Office.

Seanad Éireann, 29th October 1992, *Parliamentary Debates* Fourteenth Amendment of the Constitution Bill, 1992. Second Stage Vol. 134 Col. 828-831. Dublin: The Stationery Office.

Seanad Éireann, 30th October 1992, *Parliamentary Debates* Fourteenth Amendment of the Constitution Bill, 1992. Committee and Final Stages Vol. 134 Col. 865-886. Dublin: The Stationery Office.

Legislation

Regulation of Information (Services Outside the State for Termination of Pregnancies) Act, 1995. 1995, No. 5

Censorship of Publications Act, 1929. 1929, No. 21

An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person. (The Offences against the Person Act, 1961) 6th August 1861; 24 & 25 Vict. c. 100.

Judicial Decisions:

The Attorney General at the Relation of the Society for the Protection of Unborn Children Ireland Ltd. v Open Door Counselling Ltd. and The Dublin Well-Woman Centre Ltd: High Court 1985 No. 5652 P (Hamilton P) 19 December 1986 and 27 April 1987. [1987] I.L.R.M. 477

The Attorney General at the Relation of the Society for the Protection of Unborn Children (Ireland) Ltd. v Open Door Counselling Ltd. and The Dublin Wellwoman Centre Ltd: Supreme Court 1987 No. 185 (Finlay CJ, Walsh, Henchy, Griffin and Hederman JJ) 16 March 1988. [1988] I.L.R.M. 19

The Society for the Protection of Unborn Children Ltd. v Diarmuid Coogan, Anna Farrell, David Hughes, Ann Marie Keary, David Kilroy, Belinda Flaherty, Kevin McDermot, Francois Pithion, Andrew Cunningham and University College Dublin: High Court 1988 No. 7714P (Carroll J) 7 September 1988 (*Ex Tempore*) [1989] I.L.R.M. 526.

Society for the Protection of Unborn Children Ireland Ltd v Diarmuid Coogan and others, and the Attorney General, Notice Party: Supreme Court 1989 No. 328 (Finlay, CJ, Walsh, Griffin, Hederman, McCarthy JJ) 28 July 1989. [1990] I.L.R.M. 70

The Society for the Protection of Unborn Children Ireland Ltd. v Stephen Grogan, Annemarie Keary, Karen Quinlivan, Martin Whelan, Michael Murphy, Maxine Brady, Tom Duke, Joan O'Connor, Eoin O'Neill, Lorcan Fulham, Ivana Bacik, Grainne Murphy, Owen Lanigan, James Davis and Andrew Cunningham: Supreme Court 1989 No. 346 (Finlay CJ, Walsh, Griffin, Hederman and McCarthy JJ) 19 December 1989. [1990] I.L.R.M. 350

Attorney General v X and Others: High Court 1992 No. 846P (Costello J) 17 February 1992: Supreme Court 1992 No. 47 (Finlay CJ, Hederman, McCarthy, O'Flaherty and Egan JJ) 5 March 1992. [1992] I.L.R.M. 401

The Attorney General at the Relation of the Society for the Protection of Unborn Children (Ireland) Ltd. v. Open Door Counselling Ltd. and Dublin Well Woman Centre Ltd: Supreme Court 1987 No. 185 (Finlay CJ, Hederman, Egan, Blayney and Denham JJ) 20 July 1993. [1994] I.L.R.M. 256

Dublin Wellwoman Centre Ltd, Rita Burtenshaw and Caroline McCamley v. Ireland, the Attorney General and the Society for the Protection of Unborn Children (Ireland) Ltd: Supreme Court 1994 No. 308 (Hamilton CJ, Egan, Blayney, Denham and Costello JJ) 21 December 1994 (*Nem. Diss.*) [1995] I.L.R.M. 408.

Society for the Protection of Unborn Children (Ireland) Ltd. v Stephen Grogan and Others: Court of Justice of the European Communities 1990 No. c-159 (O. Due (President)). G. F.

Mancini, T.F. O'Higgins, J.C. Moitinho de Almeida, G. C. Rodriguez Inglesias, M. Diez de Velasco (Presidents of Chambers), Sir Gordon Slynn, C. N. Kakouris, R. Joliet, F.A. Schockweiler, F. Grevisse, M. Zuleeg and P.J.G. Kapteyn (Judges)) 4 October 1991. [1992] I.L.R.M 461

In the matter of Article 26 of the Constitution and in the matter of the Regulation of Information (Services outside the State for Termination of Pregnancies) Bill, 1995 [S.C. No. 87 of 1995]. Supreme Court. 12th May, 1995. 1 I.R. 1

Official Publications:

Green Paper on Abortion. Dublin: The Stationery Office, 1999

Law Reform Commission Report on Non Fatal Offenses Against the Person (1994) (section 9.224 - 9.229 on Unborn Children) Dublin: LRC

Bunreacht na hÉireann (Constitution of Ireland). Dublin: Government Publications Office, 1937

Hobson, Bulmer (1932) 'Introduction' in *Irish Free State Official Handbook*, Dublin: Talbot Press

Other Primary Sources:

Irish Catholic Bishops' Advosry Committee on Child Sexual Abuse by Priests and Religious (1996) *Child Sexual Abuse: Framework for a Church Response* Dublin: Veritas

Anti-Amendment Campaign, (circa 1982), Leaflet, Dublin 7, in author's possession

SECONDARY SOURCES

Abercrombie, Nicholas, Hill, Stephen and Turner, Bryan S. (1988) *The Penguin Dictionary of Sociology* Harmondsworth: Penguin

Abrams, Philip, Deem, Rosemary, Finch, Janet and Rock, Paul (eds.) (1981) *Practice and Progress: British Sociology 1950-1980*. London: Allen and Unwin

Acker, Joan, Barry, Kate and Esseveld, Joke (1983) 'Objectivity and Truth: Problems in Doing Feminist Research' *Women's Studies International Forum* 6 (4) 423-35

Adams, Parveen and Cowie, Elisabeth (1990) (eds.) *The Woman in Question* Cambridge

Albury, Rebecca M. (1999) *The Politics of Reproduction: Beyond the Slogans* St. Leonards: Allen & Unwin

Alcoff, Linda and Potter, Elizabeth (1993) (eds.) *Feminist Epistemologies* London: Routledge

Alexander, M. Jacqui (1994) 'Not Just (Any) Body Can Be A Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas' *Feminist Review* 48: 5-23

Allan, Stuart (1998) '(En)gendering the Truth Politics of News Discourse' in Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) *News, Gender and Power* London: Routledge: 121-137

Allen, Jeffner and Young, Iris Marion (1989) *The Thinking Muse: Feminism and Modern French Philosophy*, Indiana: Indiana University Press

Althusser, Louis (1971) *Lenin and Philosophy and Other Essays* Translated from the French by Ben Brewster. New York: Monthly Review Press

Andermahr, Sonya, Lovell, Terry and Wolkowitz, Carol (1997) *A Concise Glossary of Feminist Theory* London: Hodder Headline Group

Anderson, Benedict (1983) *Imagined Communities: Reflections on the Origin and Spread of Nationalism* London: Verso

Ang, Ien (1991) *Desperately Seeking the Audience* London: Routledge

Anthias, Floya (1989) 'Women and Nationalism in Cyprus' in Yuval-Davis, Nira and Anthias, Floya (eds.) *Woman-Nation-State* London: Macmillan: 150-167

Anthias, Floya (1995) 'Cultural racism or racist culture? Rethinking racist exclusions' *Economy and Society* 24 (2) 279-301

Anthias, Floya and Yuval-Davis, Nira (1983) 'Contextualising Feminism - Gender, Ethnic and Class Divisions' *Feminist Review* 15: 52-76

Anthias, Floya and Yuval-Davis, Nira (in association with Harriet Cain) (1992) *Radicalised Boundaries: Race, nation, gender, colour and class and the anti-racist struggle* London: Routledge

Arensberg, C. and Kimball, S. (1940) *Family and Community in Ireland* Cambridge: Harvard University Press

Baehr, Helen and Gray, Ann (eds.) (1996) *Turning It On: A Reader in Women and Media* London: Arnold

Balibar, Etienne (1991) 'Racism and Nationalism' in Balibar, Etienne and Wallerstein, Immanuel *Race, Nation, Class: Ambiguous Identities* London: Verso

Banville, John (1995) 'The Ireland of de Valera and O'Faoláin' *The Irish Review* 17/18: 142-152

Bar On, Bat-Ami (1993) 'Marginality and Epistemic Privilege' in Alcoff, Linda, & Potter, Elizabeth (eds.) *Feminist Epistemologies* London: Routledge: 83-100

Barbrook, Richard (1992) 'Broadcasting and national identity in Ireland' *Media, Culture and Society* 14: 203-227

Barker, Martin (1999) 'Review of Kenneth Thompson, *Moral Panics* (1998)' *Sociology* 33 (1) 224-226

Barrett, Michele (1986) 'The Soapbox' in *Network; Newsletter of the B.S.A.* 35: 20

Barrett, Michele (1987) 'The Concept of Difference' in *Feminist Review* 26: 29-41

Barrett, Michele (1991) *The Politics of Truth* Cambridge: Polity

Barrett, Michele (1992) 'Words and Things: Materialism and Method in Contemporary Feminist Analysis' in Barrett, Michele and Anne Phillips (eds.) (1992) *Destabilizing Theory: Contemporary Feminist Debates* Cambridge: Polity: 201-219

Barrett, Michele and Anne Phillips (eds.) (1992) *Destabilizing Theory: Contemporary Feminist Debates* Cambridge: Polity

- Barry, Ursula (1988a) 'Women in Ireland' in *Women's Studies International Forum* 11: 317-322
- Barry, Ursula (1988b) 'Abortion in the Republic of Ireland' *Feminist Review* 29: 57-63
- Barry, Ursula [1991] (1992) 'Movement, Change and Reaction: The Struggle over Reproductive Change in Ireland' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 107-118
- Barthes, Roland (1972) *Mythologies* Selected and Translated from the French by Annette Lavers. London: Vintage
- Bauman, Zygmunt (1978) *Hermeneutics and Social Sciences: Approaches to Understanding* London: Hutchinson
- Bauman, Zygmunt (1992) 'Soil, blood and identity' *The Sociological Review*: 675-701
- Beale, Jenny (1986) *Women in Ireland: Voices of Change* London: Macmillan
- Beaumont, Caitriona (1997) 'Women, Citizenship and Catholicism in the Irish Free State, 1922-1948' *Women's History Review* 6 (4) 563-584
- Bell, Alan (1991) *The Language of News Media* Oxford: Basil Blackwell
- Bell, Colin and Roberts, Helen (eds.) (1984) *Social Researching: Politics, problems and practice* London: Routledge and Kegan Paul
- Bell, Desmond (1985) 'Contemporary Cultural Studies in Ireland and the 'Problem' of Protestant Ideology' *Crane Bag* 9 (2) 91-5
- Bell, Desmond (1990) *Acts of Union: Youth Culture and Sectarianism in Northern Ireland* London: Macmillan
- Bell, Desmond (1991) 'Cultural Studies in Ireland and the Postmodernist Debate' *Irish Journal of Sociology* 1: 83-95
- Benhabib, Seyla (1995) 'Feminism and Postmodernism' in Benhabib, Seyla, Butler, Judith, Cornell, Drucilla, Fraser, Nancy *Feminist Contentions: A Philosophical Exchange. Introduction by Linda Nicholson* London: Routledge: 17-34
- Benhabib, Seyla (ed.) (1996) *Democracy and Difference: Contesting the Boundaries of the Political* Princeton: Princeton University Press
- Benhabib, Seyla (1996a) 'Towards a Deliberative Model of Democratic Legitimacy' in Benhabib, Seyla (ed.) *Democracy and Difference: Contesting the Boundaries of the Political* Princeton: Princeton University Press: 67-94
- Benhabib, Seyla (1999) 'Sexual Difference and Collective Identities: The New Global Constellation' *Signs: Journal of Women in Culture and Society* 24 (2) 335-361
- Benhabib, Seyla and Cornell, Drucilla (eds.) (1987) *Feminism as Critique: Essays on the Politics of Gender in Late-Capitalist Societies* Cambridge: Polity
- Benhabib, Seyla, Butler, Judith, Cornell, Drucilla, Fraser, Nancy (1995) *Feminist Contentions: A Philosophical Exchange. Introduction by Linda Nicholson* London: Routledge

- Benton, Sarah (1995) 'Women Disarmed: The Militarization of Politics in Ireland 1913-23' *Feminist Review* 50: 148-72
- Berer, Marge (1988) 'Whatever happened to 'A Woman's Right to Choose'?' *Feminist Review* 29: 24-37
- Berger, Peter and Luckmann, Thomas (1971) *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* Harmondsworth: Penguin
- Beriss, David (1996) 'Introduction: "If you're Gay and Irish, Your Parents Must be English"' *Identities* 2 (3) 189-196
- Bernstein, Richard J. (1976) *The Restructuring of Social and Political Theory* London: Methuen and Co. Ltd.
- Bew, Paul, Hazelkorn, Ellen and Patterson, Henry (1989) *The Dynamics of Irish Politics* London: Lawrence and Wishart
- Bew, Paul, Gibbon, Peter and Patterson, Henry (1995) *Northern Ireland 1921-1994: Political Forces and Social Classes* London: Serif
- Bhabha, Homi K. (1990) 'DissemiNation: time, narrative and the margins of the modern nation' in Bhabha, Homi K. (ed.) *Nation and Narration* London: Routledge: 291-322
- Bhabha, Homi K. (ed.) (1990a) *Nation and Narration* London: Routledge
- Bhabha, Homi K. (1994) *The Location of Culture* London: Routledge
- Bhavnani, Kum-Kum (1993) 'Towards a Multicultural Europe? 'Race' Nation and Identity in 1992 and Beyond' *Feminist Review* 45:30-45
- Billig, Michael (1995) *Banal Nationalism* London: Sage
- Black Women's Liberation Group, Mount Vernon, New York (1970) 'Statement on Birth Control' in Morgan, Robin (ed.) *Sisterhood is Powerful: An Anthology of Writing from the Women's Liberation Movement* New York: Vintage Books a division of Random House: 360-361
- Blank, Robert H. (1993) *Fetal Protection in the Workplace: Women's Rights, Business Interests and the Unborn* New York: Columbia University Press
- Bleicher, Josef (1982) *The Hermeneutic Imagination: Outline of a positive critique of scientism and sociology* London: Routledge and Kegan Paul
- Bock, Gisela and Susan James (eds.) (1992) *Beyond Equality and Difference: Citizenship, feminist politics and female subjectivity* London: Routledge
- Bocock, Robert (1986) *Hegemony* Chichester and London: Ellis Horwood and Tavistock Publications
- Boland, Eavan (1996) 'Imagining Ireland' in Ní Bhriain, Doircann (ed.) *Arguing at the Crossroads: Essays on a Changing Ireland* Dublin: New Island Books: 13-23
- Boston Women's Health Book Collective (1971) *Our Bodies Ourselves: A health book by and for women* British edition by Angela Phillips and Jill Rakusen (1978) Harmondsworth: Penguin

- Bouchard, Donald F. (ed.) (1977) *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault* Ithaca, New York: Cornell University Press
- Bowles, Gloria and Duelli Klein, Renate (eds.) (1983) *Theories of Women's Studies* London: Routledge and Kegan Paul
- Boyle, Raymond (1992) 'From our Gaelic fields: radio, sport and nation in post-partition Ireland' *Media, Culture and Society* 14: 623-636
- Bradley, Anthony and Valiulis, Maryann Gialanella (eds.) (1997) *Gender and Sexuality in Modern Ireland* Amherst: University of Massachusetts Press
- Bradshaw, Brendan (1994) 'Nationalism and Historical Scholarship in Modern Ireland' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 191-216
- Brady, Ciaran (ed.) (1994) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press
- Brah, Avtar (1993) 'Re-Framing Europe: En-gendered Racisms, Ethnicities and Nationalisms in Contemporary Western Europe' *Feminist Review* 45: 9-28
- Brah, Avtar (1996) *Cartographies of Diaspora: contesting identities* London: Routledge
- Braidotti, Rosi (1994) *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory* New York: Columbia University Press
- Brannen, Julia (1988) 'The study of sensitive subjects' *Sociological Review* 36: 552-563
- Brants, Kees, Hermes, Joke and van Zoonen, Liesbet (eds.) (1998) *The Media in Question: Popular Cultures and Public Interests* London: Sage
- Breen, Richard, Hannan, Damian F., Rottman, David B. and Whelan, Christopher T. (1990) *Understanding Contemporary Ireland: State Class and Development in the Republic of Ireland* Dublin: Gill and Macmillan Ltd.
- Breuilly, John (1993) *Nationalism and the State* Manchester: Manchester University Press
- Brinker-Gabler, Gisela and Smith, Sidonie (eds.) (1997) *Writing New Identities: Gender, Nation and Immigration in Contemporary Europe* Minneapolis: University of Minnesota Press
- British Sociological Association (1992) 'Statement of Ethical Practice' *Sociology* 26 (4) 703-7
- Brookes, Barbara (1988) *Abortion in England 1900-1967* London: Croom Helm
- Brookes, Rod and Holbrook, Beverley (1998) '"Mad Cows and Englishmen": Gender implications of news reporting on the British beef crisis' in Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) *News, Gender and Power* London: Routledge: 174-185
- Brophy, Julia and Smart, Carol (eds.) (1985) *Women-in-Law: Explorations in law, family and sexuality* London: Routledge and Kegan Paul
- Brown, Stella (1977) 'The Right to Abortion' in Sheila Rowbotham *A New World for Women* London: Pluto Press

- Brown, Terence (1985) *Ireland. A Social and Cultural History, 1922-1985* London: Fontana Press
- Brunsdon, Charlotte (1996) 'A thief in the night: stories of feminism in the 1970s at CCCS' in Morley, David and Chen, Kuan-Hsing (eds.) *Stuart Hall: Critical Dialogues in Cultural Studies* London: Routledge: 276-286
- Bryman, Alan and Burgess, Robert G. (eds.) (1994) *Analysing Qualitative Data* London: Routledge
- Bubeck, Diemut (1995) *A Feminist Approach to Citizenship* EUI Working Paper EUF No. 95/1. Badia Fiesolana: European University Institute
- Buckle, Stephen (1993) 'Natural Law' in Singer, Peter (ed.) *A Companion to Ethics* Oxford: Basil Blackwell: 161-174
- Burgess, Robert (1984) *In the Field: An Introduction to Field Research* London: Unwin Hyman
- Butler, Judith (1990) *Gender Trouble. Feminism and the Subversion of Identity* London: Routledge
- Butler, Judith (1993) *Bodies that Matter: On the Discursive Limits of "Sex"*: London: Routledge
- Butler, Judith (1995) 'Contingent Foundations' in Benhabib, Seyla, Butler, Judith, Cornell, Drucilla, Fraser, Nancy (1995) *Feminist Contentions: A Philosophical Exchange. Introduction by Linda Nicholson* London: Routledge: 35-58
- Butler, Judith (1998) 'Merely Cultural' *New Left Review* 227: 33-44
- Butler, Judith and Scott, Joan W. (eds.) (1992) *Feminists Theorize the Political* London: Routledge
- Butterfield, Herbert (1931) *The Whig Interpretation of History* London: G. Bell and Sons Ltd.
- Cairns, David and Shaun Richards (1988) *Writing Ireland: Colonialism, nationalism and culture* Manchester: Manchester University Press
- Calhoun, Craig (1997) *Nationalism* Buckingham: Open University Press
- Cameron, Deborah (1996) 'Style policy and style politics: a neglected aspect of the language of the news' *Media, Culture & Society* 18: 315-333
- Carter, Cynthia (1998) 'When the "Extraordinary" Becomes "Ordinary": Everyday news of sexual violence' in Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) *News, Gender and Power* London: Routledge: 219-232
- Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) (1998) *News, Gender and Power* London: Routledge
- Centre for Contemporary Cultural Studies (1977) *On Ideology* London: Hutchinson, in Association with The Centre for Contemporary Cultural Studies, University of Birmingham
- Centre for Contemporary Cultural Studies (ed.) (1982) *The Empire Strikes Back* London: Hutchinson

Charleton, Peter (1992) 'Judicial Discretion in Abortion: The Irish Perspective' *International Journal of Law and the Family* 6: 349-380

Chatterjee, Partha (1989) 'The nationalist Resolution of the Women's Questions' in Sangari, Kumkum and Vaid, Sudesh (eds.) *Recasting Women: Essays in Indian Colonial History* New Brunswick, New Jersey: Rutgers University Press: 233-253

Chubb, Basil (1982) *The Government and Politics of Ireland* 2nd ed. London: Longman

Cisler, Lucinda (1969) 'Unfinished Business: Birth Control and Women's Liberation' in Morgan, Robin (ed.) (1970) *Sisterhood is Powerful: An Anthology of Writing from the Women's Liberation Movement* New York: Vintage Books a division of Random House: 245-289

Clancy, Patrick, Drudy, Sheelagh, Lynch, Kathleen and O'Dowd, Liam (eds.) (1986) *Ireland: A Sociological Profile* Dublin: Institute of Public Administration in association with The Sociological Association of Ireland

Clancy, Patrick, Drudy, Sheelagh, Lynch, Kathleen and O'Dowd, Liam (eds.) (1995) *Irish Society: Sociological Perspectives* Dublin: Institution of Public Administration in association with The Sociological Association of Ireland

Cohen, Jean L. (1996) 'Democracy, Difference and the Right of Privacy' in Benhabib, Seyla (ed.) *Democracy and Difference: Contesting the Boundaries of the Political* Princeton: Princeton University Press: 187-217

Cohen, Joshua, Matthew Howard and Martha C. Nussbaum (eds.) (1999) *Is Multiculturalism Bad for Women? Susan Moller Okin with Respondents* Princeton, New Jersey: Princeton University Press

Cohen, Stanley (1980) *Folk Devils and Moral Panics* Oxford: Martin Robertson

Colker, Ruth (1992) *Abortion and Dialogue: pro-choice, pro-life and American law* Bloomington: Indiana University Press

Colley, Linda (1992) *Britons: Forging the Nation 1707-1837* New Haven and London: Yale University Press

Collins, Patricia Hill (1991) 'Learning from the Outsider Within: The Sociological Significance of Black Feminist Thought' in Cook, Judith A. and Fonow, Mary Margaret (eds.) *Beyond Methodology: Feminist Scholarship as Lived Research* Bloomington and Indianapolis: Indiana University Press: 35-59

Collins, Patricia Hill (1997) 'Comment on Hekman's "Truth and Method: Feminist Standpoint Theory Revisited": Where's the Power?' *Signs: Journal of Women in Culture and Society* 22 (2) 375-381

Condit, Celeste Michelle (1990) *Decoding Abortion Rhetoric. Communicating Social Change* Illinois: University of Illinois Press

Connell, R. W. (1983) *Which way is up? Essays on sex, class and culture* Sydney: George Allen & Unwin

Connell, R. W. (1987) *Gender and Power: Society, the Person and Sexual Politics* Cambridge: Polity

Connell, R.W. (1990) 'The state, gender and sexual politics: Theory and appraisal' *Theory and Society* 19: 507-544

- Connolly, Clara (1995) 'Ourselves Alone? Clar na mBan Conference Report' *Feminist Review* 50: 118-26
- Connolly, Linda (1996) 'The women's movement in Ireland, 1970-1995: a social movements analysis' *Irish Journal of Feminist Studies* 1 (1) 43-77
- Connolly, S. J. (1997) 'Culture, Identity and Tradition: Changing definitions of Irishness' in Graham, Brian (ed.) *In Search of Ireland: a cultural geography* London: Routledge: 43-63
- Cook, Judith A. and Fonow, Mary Margaret (1986) 'Knowledge and Women's Interests: Issues of Epistemology and Methodology in Feminist Sociological Research' *Sociological Inquiry* 56: 2-29
- Cook, Judith A. and Fonow, Mary Margaret (eds.) (1991) *Beyond Methodology: Feminist Scholarship as Lived Research* Bloomington and Indianapolis: Indiana University Press
- Coole, Diana (1986) 'Re-reading Political Theory from a Woman's Perspective' *Political Studies* XXXIV: 129-148
- Cooper, Davina (1994) 'Productive, Relational and Everywhere? Conceptualising Power and Resistance within Foucauldian Feminism' *Sociology* 28 (2) 435-454
- Cooper, Davina (1995) *Power in Struggle; Feminism, Sexuality and the State* Buckingham: Open University Press
- Corea, Gena (1985) *The Mother Machine: Reproductive Technologies from Artificial Insemination to Artificial Wombs* London: The Women's Press
- Cornell, Drucilla (1995) *The Imaginary Domain: Abortion, Pornography and Sexual Harassment* London: Routledge
- Cotterill, Pamela (1992) 'Interviewing Women: Issues of Friendship, Vulnerability and Power' *Women's Studies International Forum* 15 (5/6) 593-606
- Cottle, Simon (1995) 'The production of news formats: determinants of mediated public contestation' *Media, Culture & Society* 17: 275-291
- Coughlan, Anthony (1994) 'Ireland's Marxist Historians' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 288-305
- Coulter, Carol (1993) *The Hidden Tradition. Women and Nationalism in Ireland* Cork: Cork University Press
- Coulter, Carol (1997) "'Hello Divorce, Goodbye Daddy": Women, Gender and the Divorce Debate' in Bradley, Anthony and Valiulis, Maryann Gialanella (eds.) *Gender and Sexuality in Modern Ireland* Amherst: University of Massachusetts Press: 275-298
- Craig, Barbara Hinkson and O'Brien, David M. (1993) *Abortion and American Politics* Chatham, New Jersey: Chatham House Publishers, Inc.
- Cronin, Michael (1996) 'Defenders of the Nation? The Gaelic Athletic Association and Irish Nationalist Identity' *Irish Political Studies* 11: 1-19
- Crowley, Helen and Himmelweit, Susan (eds.) (1992) *Knowing Women* Cambridge: Polity Press in Association with the Open University

- Culler, Jonathan (1982) *On Deconstruction: Theory and Criticism after Structuralism* London: Routledge and Kegan Paul
- Cunningham-Burley, Sarah (1984) "'We don't talk about it...'" Issues of gender and method in the portrayal of grandfatherhood' *Sociology* 18 (3) 325-227
- Curran, James and Seaton, Jean (1991) *Power without Responsibility: The press and broadcasting in Britain* Fourth Edition. London: Routledge
- Curthoys, Ann (1993) 'Feminism, Citizenship and National Identity' *Feminist Review* 44: 19-38
- Curtin, Chris, Kelly, Mary and O'Dowd, Liam (eds.) (1984) *Culture and Ideology in Ireland* Galway: Galway University Press
- Curtin, Chris, Jackson, Pauline and O'Connor, B (1987) *Gender in Irish Society* Galway: Galway University Press
- Curtin, Chris and Wilson, Thomas M. (eds.) (c.1990) *Ireland from Below: Social Change and Local Communities* Galway: Galway University Press
- Cutting, Gary (ed.) (1994) *The Cambridge Companion to Foucault* Cambridge: CUP
- D'Entrèves, A. P. (ed.) (1965) *Aquinas: Selected Political Writings* Translated by J. G. Dawson. Oxford: Basil Blackwell
- Dahlerup, Drude (ed.) (1986) *The New Women's Movement: Feminism and Political Power in Europe and the USA* London: Sage
- Daly, Mary E. (1989) *Women and Poverty* Dublin: Attic Press
- Daly, Mary (1991) *Gyn/Ecology* London: The Women's Press
- Davis, Angela (1981) *Women Race & Class* London: The Women's Press
- Dawson, Graham (1994) *Soldier Heroes: British adventure, empire and the Imagining of masculinities* London: Routledge
- Dean, Mitchell (1994) *Critical and Effective Histories: Foucault's Methods and Historical Sociology* London: Routledge
- Deane, Seamus (1984) 'Remembering the Irish Future' *The Crane Bag* 8 (1) 81-92
- Deane, Seamus [1991] (1994) 'Wherever Green is Read' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 234-245
- Dickens, Linda, Davies, Celia, Homans, Hilary, Laws, Sophie and Rocheron, Yvette (1983) 'Is feminist Methodology a Red Herring?' *Network* 26: 12
- Dines, Gail and Humez, Jean M. (eds.) (1995) *Gender, Race and Class in Media: A Text Reader* London: Sage
- Donald, J. and Rattansi, A. (eds.) (1992) *'Race', Culture and Difference* London: Sage
- Dooley, Dolores (1992) 'Abortion and Moral Disagreement' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 166-175

- Dreyfus, Hubert L. & Paul Rabinow (1982) *Michel Foucault: Beyond Structuralism and Hermeneutics With and Afterword by Michel Foucault* London: Harvester Wheatsheaf
- Duden, Barbara (1993) *Disembodying Women: Perspectives on Pregnancy and the Unborn* Cambridge, Massachusetts: Harvard University Press
- Duelli Klein, Renate (1983) 'How to do what we want to do: thoughts about feminist methodology' in Bowles, Gloria and Duelli Klein, Renate (eds.) *Theories of Women's Studies* London: Routledge and Kegan Paul: 88-104
- Duffy, Patrick J. (1997) 'Writing Ireland: Literature and art in the representation of Irish place' in Graham, Brian (ed.) *In Search of Ireland: a cultural geography* London: Routledge: 64-83
- Dumaresq, Delia (1981) 'Rape - Sexuality in the Law' *m/f* 5/6: 41-60
- Dunleavy, Patrick and O'Leary, Brendan (1987) *Theories of the State: The Politics of Liberal Democracy* London: Macmillan
- Durham, Martin (1994) 'Abortion and the Politics of Morality in the USA' *Parliamentary Affairs* 47 (2) 280-292
- Dworkin, Ronald (1993) *Life's Dominion: An Argument about Abortion and Euthanasia* London: Harper Collins
- Eagleton, Terry (1991) *Ideology. An Introduction* London: Verso
- Eagleton, Terry (1995) *Heathcliff and the Great Hunger: Studies in Irish Culture* London: Verso
- Eisenstein, Hester (1984) *Contemporary Feminist Thought* London: Unwin Paperbacks
- Elman, R. Amy (ed.) (1996) *Sexual Politics and the European Union: The New Feminist Challenge* Providence; Oxford: Berghahn Books
- Epstein, Debbie and Sears, James T. (eds.) (1999) *A Dangerous Knowing: Sexuality, Pedagogy and Popular Culture* London: Cassells
- Epstein, Debbie and Steinberg, Deborah Lynn (1995) 'Twelve Steps to Heterosexuality? Common-Sensibilities on the *Oprah Winfrey Show*' *Feminism and Psychology* 5 (2) 275-280
- Epstein, Debbie and Johnson, Richard (1998) *Schooling Sexualities* Buckingham: Open University Press
- Essed, Philomena (1994) 'Contradictory Positions, Ambivalent Perceptions: A Case Study of a Black Woman Entrepreneur' *Feminism & Psychology* 4 (1) 99-118
- Evans, David T. (1993) *Sexual Citizenship: The Material Construction of Sexualities* London: Routledge
- Faludi, Susan (1992) *Backlash: The Undeclared War Against Women* London: Chatto & Windus
- Fanning, Ronan (1994) '"The Great Enchantment": Uses and Abuses of Modern Irish History' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 146-182

- Farrell, Brian (ed.) (1984) *Communications and Community in Ireland* Cork: Mercier Press
- Farrell, Brian (ed.) (1988) *DeValera's Constitution and Ours* Dublin: Gill and Macmillan
- Fennell, Desmond (1983) *The State of the Nation: Ireland Since the Sixties* Swords, Dublin: Ward River Press
- Fennell, Desmond (1986) *Nice People and Rednecks. Ireland in the 1980s* Dublin: Gill and Macmillan
- Fennell, Desmond (1993) *Heresy: The Battle of Ideas in Modern Ireland* Belfast: The Blackstaff Press
- Fennell, Desmond [1989] (1994) 'Against Revisionism' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 183-190
- Finch, Janet (1984) "'It's great to have someone to talk to": the ethics and politics of interviewing women' in Bell, Colin and Roberts, Helen (eds.) *Social Researching: Policies, Problems and Practice* London: Routledge and Kegan Paul
- Finlayson, Alan (1997) 'The Problem of 'Culture' in Northern Ireland: A Critique of the Cultural Traditions Group' *Irish Review* 20: 76-88
- Firestone, Shulamith (1970) *The Dialectic of Sex: The Case for Feminist Revolution* London: The Women's Press
- Fiske, John (1989) *Reading the Popular* London: Routledge
- Fitzsimons, Yvonne (1991) 'Women's Interest Representation in The Republic of Ireland: The Council for the Status of Women' *Irish Political Studies* 6: 37-51
- Flax, Jane (1990) 'Postmodernism and Gender Relations in Feminist Theory' in Nicholson, Linda J. (ed.) *Feminism/Postmodernism* London: Routledge: 39-62
- Flax, Jane (1993) *Disputed Subjects: Essays on Psychoanalysis, Politics and Philosophy* London: Routledge
- Fletcher, Ruth (1995) 'Silences: Irish Women and Abortion' *Feminist Review* 50: 44-66
- Foley, Timothy P., Pilkington, Lionel, Ryder, Sean and Tilley, Elizabeth (eds.) (1995) *Gender and Colonialism* Galway: Galway University Press
- Forde-Jones, Cecily (1998) 'Mapping Racial Boundaries: Gender, Race and Poor Relief in Barbadian Plantation Society' *Journal of Women's History* 10 (3) 9-31
- Foster, Roy [1988] (1994) 'History and the Irish Question' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 122-145
- Foster, Roy (1993) *Paddy and Mr. Punch: Connections in Irish and English History* London: Allen Lane, the Penguin Press
- Foucault, Michel (1972) *The Archaeology of Knowledge and The Discourse on Language* translated from the French by A.M. Sheridan Smith, New York: Pantheon Books
- Foucault, Michel (1977) *Discipline and Punish. The Birth of the Prison* London: Penguin

Foucault, Michel (1977a) 'Nietzsche, Genealogy, History' in Bouchard, Donald F. (ed.) *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault* Ithaca, New York: Cornell University Press: 139-164

Foucault, Michel (1978) *History of Sexuality* Vols. 1-3, London: Penguin

Foucault, Michel (1980) *Power/Knowledge. Selected Interviews and Other Writings 1972-1977* Hemel Hempstead: Harvester Wheatsheaf

Foucault, Michel (1988) 'The Political Technology of Individuals' in Martin, Luther H., Gutman, Huck and Hutton, Patrick H. (eds.) *Technologies of the Self: A Seminar with Michel Foucault* London: Tavistock: 145-162

Fowler, Roger (1991) *Language in the News: Discourse and Ideology in the Press* London: Routledge

Francome, Colin (1984) *Abortion Freedom: A Worldwide Movement* London: George Allen & Unwin

Francome, Colin (1994) 'Gynaecologists and Abortion in Northern Ireland' *Journal of Biosocial Science* 26: 389-394

Franklin, Sarah, Lury, Celia and Stacey, Jackie (eds.) (1991) *Off-Centre: Feminism and cultural studies* London: Harper Collins Academic

Franklin, Sarah (1991) 'Fetal fascinations: new dimensions to the medical-scientific construction of fetal personhood' in Franklin, Sarah, Lury, Celia and Stacey, Jackie (eds.) *Off-Centre: Feminism and cultural studies* London: Harper Collins Academic: 190-205

Fraser, Nancy (1995) 'False Antitheses' in Benhabib, Seyla, Butler, Judith, Cornell, Drucilla, Fraser, Nancy, *Feminist Contentions: A Philosophical Exchange. Introduction by Linda Nicholson* London: Routledge: 59-74

Fraser, Nancy (1997) *Justice Interruptus: Critical Reflections of the "Postsocialist" Condition* London: Routledge

Fraser, Nancy and Nicholson, Linda J. (1990) 'Social Criticism without Philosophy: An Encounter between Feminism and Postmodernism' in Nicholson, Linda J. (ed.) *Feminism/Postmodernism* London: Routledge: 19-38

Frazer, Elizabeth and Lacey, Nicola (1993) *The Politics of Community. A Feminist Critique of the Liberal-Communitarian Debate* Hemel Hempstead: Harvester Wheatsheaf

Fyfe, Wendy (1991) 'Abortion Acts: 1803 to 1967' in Franklin, Sarah, Lury, Celia and Stacey, Jackie (eds.) *Off-Centre: Feminism and cultural studies* London: Harper Collins Academic: 160-174

Gallagher, Michael and Laver, Michael (1993) *How Ireland Voted 1992* Dublin and Limerick: Folens/P.S.A.I. (Political Science Association of Ireland) Press

Gamarnikow, Eva, Morgan, David, Purvis, June and Taylorson, Daphne (eds.) (1983) *The public and the private* London: Heineman

Garvin, Tom (1988) 'The politics of denial and of cultural defence: the referenda of 1983 and 1986 in context' *The Irish Review* 3: 1-7

- Garvin, Tom (1993) 'Democratic Politics in Independent Ireland' in John Coakley and Michael Gallagher (eds.) *Politics in the Republic of Ireland* Limerick: P.S.A.I. Press and Folens
- Gearty, Conor (1992) 'The Politics of Abortion' in *Journal of Law and Society* 19 (4) 441-453
- Geertz, Clifford (1973) *The Interpretation of Cultures: Selected Essays by Clifford Geertz* New York: Basic Books
- Gellner, Ernest (1983) *Nations and Nationalism* Oxford: Blackwell
- Gellner, Ernest (1987) *Culture, Politics and Identity* Cambridge: CUP
- Gelsthorpe, Loraine (1992) 'Response to Martyn Hammersley's Paper "On Feminist Methodology"' in *Sociology* 26 (2) 213-128
- Gerber-Fried, Marlene (1997) 'Abortion in the US: Barriers to Access' *Reproductive Health Matters* 9: 37-45
- Gerber-Fried, Marlene (ed.) (1990) *From Abortion to Reproductive Freedom: Transforming a Movement* Boston: South End Press
- Gibbon, Peter (1973) 'Arensberg and Kimball revisited' *Economy and Society* 2 (4) 479-497
- Gibbons, Luke (1984) 'Synge, Country and Western: the Myth of the West in Irish and American Culture' in Curtin, Chris, Kelly, Mary and O'Dowd, Liam (eds.) *Culture and Ideology in Ireland* Galway: Galway University Press: 1-19
- Gibbons, Luke (1988) 'Coming Out of Hibernation? The Myth of Modernity in Irish Culture' in Kearney, Richard (ed.) *Across the Frontiers: Ireland in the 1990s. Cultural - Political- Economic* Dublin: Wolfhound Press: 205-218
- Gibbons, Luke (1992) 'Identity without a Centre: Allegory, History and Irish Nationalism' *Cultural Studies* 6: 358-375
- Gibbons, Luke (1996) 'Engendering the State: Narrative, Allegory and *Michael Collins*' in *Éire -Ireland* Vol. XXXI, (3/4) 261-269
- Gibbons, Luke (1996a) *Transformations in Irish Culture* Cork: Cork University Press, in association with Field Day
- Giddens, Anthony (1976) *New Rules of Sociological Method* London: Hutchinson
- Giddens, Anthony (1977) *Studies in Social and Political Theory* London: Hutchinson
- Gilheany, Barry (1998) 'The state and the discursive construction of abortion' in Randall, Vicky and Waylen, Georgina (eds.) *Gender, Politics and the State* London: Routledge: 58-79
- Gilroy, Paul (1987) *There Aint no Black in the Union Jack* London: Hutchinson
- Ginsberg, Faye D. (1989) 'Dissonance and Harmony: The Symbolic Function of Abortion in Activists' Life Stories' in Personal Narratives Group: Joy Webster Barbre, Amy Farrell, Shirley Nelson Garner, Susan Geiger, Ruth-Ellen Boetcher Joces, Susan M-A Lyons, Mary Jo Maynes, Pamela Mittlefehldt, Riv-Allen Press, Virginia Steinhagen, (eds.) *Interpreting Women's Lives: Feminist Theory and Personal Narratives* Bloomington and Indianapolis: Indiana University Press: 59-84

- Ginsburg, Faye D. (1991) 'Gender Politics and the Contradictions of Nurturance: Moral Authority and Constraints to Action for Female Abortion Activists' *Social Research* 58 (3) 653-676
- Girvin, Brian (1986) 'Social change and moral politics: the Irish constitutional referendum 1983' *Political Studies* 34 (1) 61-81
- Girvin, Brian (1993) 'The Referendums on Abortion 1992' *Irish Political Studies* 8: 118-124
- Golding, Sue (1992) *Gramsci's Democratic Theory: Contributions to a Post-Liberal Democracy* Toronto: University of Toronto Press
- Goode, Erich and Ben-Yehuda, Nachman (1994) *Moral Panics: The Social Construction of Deviance* Oxford: Blackwell
- Goodin, Robert E. and Pettit, Philip (eds.) (1995) *A Companion to Contemporary Political Philosophy* Oxford: Blackwell
- Gordon, Mary (1984) 'Fighting for Control: The Ongoing Struggle for Reproductive Rights' *Irish Feminist Review*: 7-29
- Gordon, Paul and Klug, Francesca (1986) *New Right New Racism* with a preface by David Edgar. London: Searchlight
- Graham, Brian (1997) 'Ireland and Irishness: Place, culture and identity' in Graham, Brian (ed.) *In Search of Ireland: a cultural geography* London: Routledge: 1-15
- Graham, Colin (1994) 'Post-Nationalism/Post-Colonialism: Reading Irish Culture' *Irish Studies Review* 8: 35-37
- Grant, Judith (1993) *Fundamental Feminism: Contesting the Core Concepts of Feminist Theory* London: Routledge
- Gray, Breda (1996) 'Irishness - A Global and Gendered Identity?' *Irish Studies Review* 16: 24-28
- Greenfeld, Liah (1992) *Nationalism: Five Roads to Modernity* Cambridge Massachusetts: Harvard University Press
- Greenwood, Victoria and Young, Jock (1976) *Abortion in Demand* London: Pluto Press
- Grimshaw, Jean (1986) *Feminist Philosophers: Women's Perspectives on Philosophical Traditions* London: Harvester Wheatsheaf
- Gurevitch, Michael, Bennett, Tony, Curran, James and Woolacott, Janet (eds.) (1982) *Culture, society and the media* London: Methuen
- Haakonssen, Knud (1995) 'Republicanism' in Goodin, Robert E. and Pettit, Philip (eds.) *A Companion to Contemporary Political Philosophy* Oxford: Blackwell Publishers Ltd.: 568-574
- Hackett, Claire (1995) 'Self-Determination: The Republican Feminist Agenda' *Feminist Review* 50: 111-6
- Hadley, Janet (1996) *Abortion: Between Freedom and Necessity* London: Virago Press

- Hall, Stuart (1971) *Deviancy, Politics and the Media* Birmingham: Centre for Contemporary Cultural Studies University of Birmingham
- Hall, Stuart (1980) 'Encoding/decoding' in Hall, Stuart, Hobson, Dorothy, Lowe Andrew and Willis, Paul (eds.) *Culture, Media, Language: Working Papers in Cultural Studies, 1972-1979* London: Unwin Hyman: 128-138
- Hall, Stuart (1988) *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* London: Verso
- Hall, Stuart (1993) 'Culture, Community, Nation' *Cultural Studies* 7: 349-363
- Hall, Stuart (1996) 'Introduction: Who Needs Identity?' in Hall, Stuart and du Gay, Paul *Questions of Cultural Identity* London: Sage: 1-17
- Hall, Stuart (1996a) 'Gramsci's relevance for the study of race and ethnicity' in Morley, David and Chen, Kuan-Hsing (eds.) *Stuart Hall: Critical dialogues in Cultural Studies* London: Routledge: 411-440
- Hall, Stuart (1996b) 'New ethnicities' in Morley, David and Chen, Kuan-Hsing (eds.) *Stuart Hall: Critical dialogues in Cultural Studies* London: Routledge: 441-459
- Hall, Stuart [1986] (1996c) 'The problem of ideology: marxism without guarantees' in Morley, David and Chen, Kuan-Hsing (eds.) *Stuart Hall: Critical dialogues in Cultural Studies* London: Routledge: 25-46
- Hall, Stuart, Crichton, Chas, Jefferson, Tony, Clarke, John and Roberts, Brian (1978) *Policing the Crisis: Mugging, the State and Law and Order* London: Macmillan
- Hall, Stuart, Hobson, Dorothy, Lowe Andrew and Willis, Paul (eds.) (1980) *Culture, Media, Language: Working Papers in Cultural Studies, 1972-1979* London: Unwin Hyman
- Hall, Stuart and Jacques, Martin (1989) *New Times: The Changing Face of Politics in the 1990s* London: Lawrence and Wishart
- Hall, Stuart and du Gay, Paul (1996) *Questions of Cultural Identity* London: Sage
- Hamilton, Roberta and Barrett, Michele (eds.) (1986) *The Politics of Diversity: feminism, Marxism and nationalism* London: Verso
- Hammersley, Martyn (1990) 'What's Wrong with Ethnography? The Myth of Theoretical Description' *Sociology* 24 (4) 597-615
- Hammersley, Martyn (1992) 'On Feminist Methodology' *Sociology* 26 (2) 187-206
- Harding, Sandra (1986) *The Science Question in Feminism*, Milton Keynes: Open University Press
- Harding, Sandra (1991) *Whose Science? Whose Knowledge? Thinking from Women's Lives* Milton Keynes: Open University Press
- Harding, Sandra (1993) 'Rethinking Standpoint Epistemology: "What is Strong Objectivity?"' in Alcoff, Linda and Potter, Elizabeth (eds.) *Feminist Epistemologies* London: Routledge: 49-82
- Harding, Sandra (1997) 'Comment on Hekman's "Truth and Method: Feminist Standpoint Theory Revisited": Whose Standpoint Needs the Regimes of Truth and Reality?' *Signs: Journal of Women in Culture and Society* 22 (2) 382-391

Harding, Sandra and Hintikka, Merrill (eds.) (1983) *Discovering Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology and the Philosophy of Science* Dordrecht: Reidel

Harris, Lorelei (1984) 'Class, Community and Sexual Divisions in North Mayo' in Curtin, Chris, Kelly, Mary and O'Dowd, Liam (eds.) *Culture and Ideology in Ireland* Galway: Galway University Press: 154-171

Hartley, John (1998) 'Juvenation: News, girls and power' in Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) *News, Gender and Power* London: Routledge: 47-70

Hartley, John (1982) *Understanding News* London: Routledge

Hartsock, Nancy (1983) 'The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism' in Harding, Sandra and Hintikka, Merrill (eds.) *Discovering Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology and the Philosophy of Science* Dordrecht: Reidel

Hartsock, Nancy (1990) 'Foucault on Power: A Theory for Women?' in Nicholson, Linda J. (ed.) *Feminism/Postmodernism* London: Routledge: 157-175

Hartsock, Nancy (1997) 'Comment on Hekman's "Truth and Method: Feminist Standpoint Theory Revisited": Truth or Justice?' *Signs: Journal of Women in Culture and Society* 22 (2) 367-374

Hazelkorn, Ellen and Henry Patterson (1994) 'The New Politics of the Irish Republic' *New Left Review* 207: 47-71

Hekman, Susan (1997) 'Truth and Method: Feminist Standpoint Theory Revisited' *Signs: Journal of Women in Culture and Society* 22 (2) 341-365

Hekman, Susan (1997a) 'Reply to Hartsock, Collins, Harding and Smith' *Signs: Journal of Women in Culture and Society* 22 (2) 399-402

Hesketh, Tom (1990) *The Second Partitioning of Ireland? The Abortion Referendum of 1983* Dublin: Brandsma Books

Hickman, Mary J. (1998) 'Reconstructing deconstructing 'race': British political discourses about the Irish in Britain' *Ethnic and Racial Studies* 21 (2) 288-307

Hickman, Mary J. and Walter, Bronwen (1995) 'Deconstructing Whiteness: Irish Women in Britain' *Feminist Review* 50: 5-19

Himmelweit, Sue (1980) 'Abortion: Individual Choice and Social Control' *Feminist Review* 5: 65-68

Himmelweit, Susan (1988) 'More than "A Woman's Right to Choose"?' *Feminist Review* 29: 38-56

Hobbs, D. and May, T. (eds.) (1993) *Interpreting the Field* Oxford: OUP

Hobsbawm, E. J. (1992) *Nations and Nationalism Since 1780: Programme, Myth, Reality* Cambridge: CUP

Hoff, Joan (1994) 'Comparative Analysis of Abortion in Ireland, Poland and the United States' *Women's Studies International Forum* 17 (6) 621-646

- Hogan, Linda (1992) 'Procreative Choice: A Feminist Theological Comment' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 175-185
- Holden, Wendy (1994) *Unlawful Carnal Knowledge: The True Story of the Irish 'X' Case* London: Harper Collins
- Holland, Patricia (1998) 'The politics of the smile: "Soft news" and the sexualization of the popular press' in Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) *News, Gender and Power* London: Routledge: 17-32
- Holub, Robert C. (1992) *Crossing Borders, Reception Theory, Poststructuralism, Deconstruction* Wisconsin: University of Wisconsin Press
- Homan, Roger (1992) 'The ethics of open methods' *British Journal of Sociology* 43 (3) 321-332
- Homans, Hilary (1985) *The Sexual Politics of Reproduction* Aldershot: Gower
- Hooks, Bell (1982) *Ain't I a Woman? Black women and feminism* London: Pluto Press
- Horn, David G. (1994) *Social Bodies: Science, Reproduction and Italian Modernity* Princeton, New Jersey: Princeton University Press
- Hornsby-Smith, Michael P. and Whelan, Christopher T. (1994) 'Religious and Moral Values' in Whelan, Christopher T. (ed.) *Values and Social Change in Ireland* Dublin: Gill & Macmillan: 7-44
- Hug, Chrystel (1999) *The Politics of Sexual Morality in Ireland* London: Macmillan
- Hull, Gloria T., Scott, Patricia Bell and Smith, Barbara (1982) *All the Women are White, all the Blacks are Men, but Some of Us Are Brave* New York: Feminist Press
- Hume, John (1996) 'Everything is Political in a Divided Society' in Ní Bhriain, Doireann (ed.) *Arguing at the Crossroads: Essays on a Changing Ireland* Dublin: New Island Books: 98-106
- Hutchinson, John (1987) *The Dynamics of Cultural Nationalism: The Gaelic Revival and the Creation of the Irish Nation State* London: Allen & Unwin
- Hutchinson, John and Smith, Anthony D. (eds.) (1994) *Nationalism* Oxford: OUP
- Hynes, Eugene (1978) 'The Great Hunger and Irish Catholicism' *Societas* VIII (2) 132-156
- Inglis, Tom (1997) 'Foucault, Bourdieu and the Field of Irish Sexuality' *Irish Journal of Sociology* 7: 5-28
- Inglis, Tom (1998) *Moral Monopoly: The Rise and Fall of the Catholic Church in Modern Ireland* Dublin: University College Dublin Press
- Ingram, Attracta (1992) 'Home and Away: The Unequal Vista for Irish Women' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 149-156
- Innes, Catherine Lynette (1993) *Woman and Nation in Irish Literature and Society 1880-1935* Hemel Hempstead: Harvester Wheatsheaf
- Innes, Catherine Lynette (1994) 'Virgin Territories and Motherlands: Colonial and Nationalist Representations of Africa and Ireland' *Feminist Review* 47: 1-14

- Irish Women's Abortion Support Group (1988) 'Across the Water' *Feminist Review* 29: 64-71
- Isaac, Joan (1994) 'The Politics of Morality in the UK' *Parliamentary Affairs* 47 (2) 175-189
- Jackson, Alvin [1989] (1994) 'Unionist History' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 253-87
- Jackson, Pauline Conroy [1987] (1992) 'Outside the Jurisdiction: Irish Women Seeking Abortion' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 119-137
- Jacobs, Ronald N. (1996) 'Producing the news, producing the crisis: narrativity, television and news work' *Media, Culture & Society* 18:373-397
- Jagger, Alison M. (1983) *Feminist Politics and Human Nature* New Jersey: Rowman and Allanheld
- Jameson, Fredric (1981) *The Political Unconscious: Narrative as a Socially Symbolic Act* Ithaca, New York: Cornell University Press
- Jameson, Fredric (1995) 'On Cultural Studies' in Rajchman, John (ed.) *The Identity in Question* London: Routledge: 251-295
- Jayawardena, Kumari (1986) *Feminism and Nationalism in the Third World* London: Zed Press
- Johnson, Nuala C. (1997) 'Making Space: Gaeltacht policy and the politics of identity' in Graham, Brian (ed.) *In Search of Ireland: a cultural geography* London: Routledge: 174-191
- Johnson, Richard (1995) 'What is cultural studies anyway?' in Munns, Jessica and Rajan, Gita (eds.) *A Cultural Studies Reader: History, Theory, Practice* London: Longman: 575-612
- Jones, Greta (1997) 'Catholicism, Nationalism and Science' *The Irish Review* 20: 47-61
- Jones, Paul (1997) 'Moral Panic: The Legacy of Stan Cohen and Stuart Hall' *Media International Australia* 85: 6-16
- Kandiyoti, Deniz (1987) 'Emancipated but Unliberated? Reflections on the Turkish Case' *Feminist Studies* 13 (2) 317-88
- Kandiyoti, Deniz (1989) 'Women and the Turkish State: Political Actors or Symbolic Pawns?' in Yuval-Davis, Nira and Anthias, Floya (eds.) *Woman-Nation-State* London: Macmillan: 150-167
- Kandiyoti, Deniz (1991) 'Identity and its Discontents: Women and the Nation' *Millennium: Journal of International Studies* 20 (3) 429-443
- Keane, John (1988) *Democracy and Civil Society* London: Verso
- Keane, John (1991) *The Media and Democracy* Cambridge: Polity
- Kearney, Hugh [1991] (1994) 'The Irish and their History' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 246-252

Kearney, Richard (1988) 'The transitional crisis of modern Irish culture' in The Princess Grace Irish Library (ed.) *Irishness in a Changing Society* Totowa, New Jersey: Barnes & Noble Books: 78-94

Kearney, Richard (ed.) (1988) *Across the Frontiers: Ireland in the 1990s. Cultural - Political- Economic* Dublin: Wolfhound Press

Kearney, Richard (1997) *Postnationalist Ireland: Politics, Culture, Philosophy* London: Routledge

Kedourie, Elie (1960) *Nationalism* London: Hutchinson University Library

Kennedy, Liam (1992-3) 'Modern Ireland: post-colonial society or post-colonial pretensions?' *Irish Review*: 107-121

Kennelly, Brendan and Ward, Eilis (1993) 'The abortion referendums' in Gallagher, Michael and Michael Laver *How Ireland Voted 1992* Dublin and Limerick: Folens/P.S.A.I. (Political Science Association of Ireland) Press: 115-134

Kenny, Mary (1997) *Goodbye to Catholic Ireland: A social, personal and cultural history from the fall of Parnell to the realm of Mary Robinson* London: Sinclair-Stevenson

Keogh, Dermot (1988) 'Church, State and Society' in Farrell, Brian (ed.) *DeValera's Constitution and Ours* Dublin: Gill and Macmillan: 103-122

Keogh, Dermot (1988a) 'Catholicism and the Formation of the Modern Irish Society' in The Princess Grace Irish Library (ed.) *Irishness in a Changing Society* Totowa, New Jersey: Barnes & Noble Books: 152-177

Keogh, Dermot (1994) *Twentieth-Century Ireland: Nation And State* Dublin: Gill & Macmillan

Kiberd, Damien (ed.) (1997) *Media in Ireland: The Search for Diversity* Dublin: Open Air

Kiberd, Declan (1995) *Inventing Ireland: The Literature of the Modern Nation* London: Vintage

Kiberd, Declan (1998) 'Romantic Ireland's dead and gone: The English-speaking Republic as the crucible of modernity' *Times Literary Supplement* June 12: 12-14

Kingdom, Elizabeth (1985) 'Legal recognition of a woman's right to choose' in Julia Brophy and Carol Smart (eds.) *Women-in-Law: Explorations in law, family and sexuality* London: Routledge and Kegan Paul: 143-161

Kingdom, Elizabeth (1991) *What's Wrong with Rights? Problems for Feminist Politics of Law* Edinburgh: Edinburgh University Press

Kissane, Bill (1995) 'The Not-So Amazing Case of Irish Democracy' *Irish Political Studies* 10: 43-68

Klug, Francesca (1989) "'Oh to be in England": the British Case Study' in Yuval-Davis, Nira and Anthias, Floya (eds.) *Woman-Nation-State* London: Macmillan: 16-35

Kohn, Hans [1945] (1994) 'Western and Eastern Nationalisms' in Hutchinson, John and Smith, Anthony D. (eds.) *Nationalism* Oxford: OUP: 162-165

Kymlicka, Will (1990) *Contemporary Political Philosophy: An Introduction* Oxford: Clarendon Press

- Kymlicka, Will and Norman, Wayne (1994) 'Return of the Citizen: A Survey of Recent Work on Citizenship Theory' *Ethics* 104: 352-381
- Laclau, Ernesto (ed.) (1990) *New Reflections on the Revolution of Our Time* London: Verso
- Laclau, Ernesto and Mouffe, Chantal (1990) 'Post-Marxism without Apologies' in Laclau, Ernesto (ed.) *New Reflections on the Revolution of Our Time* London: Verso: 97-134
- Laclau, Ernesto and Mouffe, Chantal (1985) *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* London: Verso
- Larkin, Emmet (1976) *Historical Dimensions of Irish Catholicism* New York: Arno Press
- Laws, Sophie (1990) *Issues of Blood: The Politics of Menstruation* London: Macmillan
- Lazare, Donald (ed.) (1987) *American Media and Mass Culture: Left Perspectives* Berkeley: University of California Press
- Lee, Joseph (1989) *Ireland 1912-1985: Politics and Society* Cambridge: CUP
- Lee, Raymond M. (1993) *Doing Research on Sensitive Topics* London: Sage
- Lee, Simon (1992) 'Abortion Law: the Tragic Choices' *Doctrine and Life: Abortion, Law and Conscience* 42 (5) 282-297
- Lennon, Mary, McAdam, Marie and O'Brien, Joanne (1988) *Across the Water: Irish Women's Lives in Britain* London: Virago
- Levine, June (1982) *Sisters Swords*: Ward River Press
- Lister, Ruth (1997) *Citizenship: Feminist Perspectives* London: Macmillan
- Littlejohn, G., Smart, B., Wakeford J. and Yuval-Davis, N. (eds.) (1977) *Power and the State* London: Croom Helm
- London Irish Women's Centre (1984) 'Our experience of emigration' *Report of first London Irish women's Conference* London: London Irish Women's Centre
- Longino, Helen E. (1993) 'Feminist Standpoint Theory and the Problem of Knowledge' *Signs* 19 (1) 201-212
- Longley, Edna (1990) *From Cathleen to Anorexia* Dublin: Attic
- Longley, Edna (ed.) (1991) *Culture in Ireland - Division or Diversity? Proceedings of the Cultures of Ireland Group Conference, 27-28 September, 1991* Belfast: Institute of Irish Studies, Queens University of Belfast
- Loscher, Clement (1992) *The X Case: How Abortion was Brought into Ireland* Gaithersburg, USA and Cork, Ireland: Human Life International
- Lovenduski, Joni and Outshoorn, Joyce (eds.) (1986) *The New Politics of Abortion* London: Sage
- Lovenduski, Joni and Randall, Vicky (1993) *Contemporary Feminist Politics: Women and Power in Britain* Oxford: OUP
- Luker, Kristen (1984) *Abortion and the Politics of Motherhood* Berkeley and Los Angeles: University of California Press

- Lyons, F. S. L. [1971] (1973) *Ireland Since the Famine* London: Fontana Press
- Lyons, F. S. L. [1978] (1994) 'The Burden of Our History' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 87-104
- Macciocchi, Maria-Antonietta (1979) 'Female Sexuality in Fascist Ideology' *Feminist Review* 1: 67-82
- MacCurtain, Margaret and Ó'Corráin, Donncha (eds.) (1978) *Women in Irish Society: The Historical Dimension* Dublin: Arlen House
- MacDonagh, Oliver [1980] (1994) 'Ambiguity in Nationalism: The Case of Ireland' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 105-121
- MacLaughlin, Jim (1999) 'Nation-Building, Social Closure and Anti-Traveller Racism in Ireland' *Sociology* 33 (1) 129-152
- Macpherson, Pat and Fine, Michelle (1995) 'Hungry for an Us: Adolescent Girls and Adult Women Negotiating Territories of Race, Gender, Class and Difference' *Feminism & Psychology* 5 (2) 181-200
- Maddox, Brenda (1991) *The Pope and Contraception. The Diabolical Doctrine* London: Chatto and Windus
- Maharaj, Zarina (1995) 'A Social Theory of Gender: Connell's *Gender and Power*' *Feminist Review* 49: 50-65
- Mahon, Evelyn (1987) 'Women's Rights and Catholicism in Ireland' *New Left Review* 166: 53-77
- Mahon, Evelyn (1995) 'From Democracy to Femocracy: the Women's Movement in the Republic of Ireland' in Clancy, Patrick, Drudy, Sheelagh, Lynch, Kathleen and O'Dowd, Liam (eds.) *Irish Society: Sociological Perspectives* Dublin: Institution of Public Administration in association with The Sociological Association of Ireland: 675-708
- Marsh, David and Chambers, Joanna (1981) *Abortion Politics* London: Junction Books
- Marshall, Kate (1985) *Moral panics and Victorian values* London: Junius
- Marshall, T. E. (1950) *Citizenship and Social Class* Cambridge: CUP
- Martin, Angela K. (1997) 'The Practice of Identity and an Irish Sense of Place' *Gender, Place and Culture* 4 (1) 89-119
- Martin, Angela K. (2000) 'Transnationalism, bodies and abortion in late twentieth-century Ireland' in Mayer, Tamar (ed.) *Gender Ironies of Nationalism* London: Routledge
- Martin, Luther H., Gutman, Huck and Hutton, Patrick H. (eds.) (1988) *Technologies of the Self: A Seminar with Michel Foucault* London: Tavistock
- Mason, Carol (2000) 'Cracked Babies and the Partial Birth of a Nation: Millennialism and Fetal Citizenship' *Cultural Studies* 14 (1) 35-60
- Mattelart, Michele (1986) *Women, Media and Crisis: Femininity and Disorder* London: Comedia Publishing Group

- Mayer, Tamar (2000) (ed.) *Gender Ironies of Nationalism* London: Routledge
- Maynard, Mary and Purvis, June (eds.) (1994) *Researching Women's Lives from a Feminist Perspective* London: Taylor and Francis
- McCafferty, Nell (1985) *A Woman to Blame: the Kerry Babies Case* Dublin: Attic
- McCafferty, Nell (1987) *In the Eyes of the Law* Dublin: Poolbeg
- McCafferty, [1984] Nell (1992) 'The Death of Ann Lovett' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 99-106
- McCafferty, Nell [1986] (1992a) 'As Far as Practicable' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 157-165
- McCaffery, Michelle (1996) 'Foetal subjectivity and the rise of paternal rights' *Irish Journal of Feminist Studies* 1 (1) 7-25
- McClintock, Anne (1993) 'Family Feuds: Gender, Nationalism and the Family' *Feminist Review* 44: 61-80
- McCrone, David and Kiely, Richard (2000) 'Nationalism and Citizenship' *Sociology* 34 (1) 19-34
- McCullough, C. (1991) 'A tie that blinds: family and ideology in Ireland' *Economic and Social Review* 22: 199-211
- McGuigan, Jim (1992) *Cultural Populism* London: Routledge
- McIlwain, Charles Howard (1947) *Constitutionalism: Ancient and Modern* Ithaca and London: Cornell University Press
- McKee, Lorna and O'Brien, Margaret (1983) 'Interviewing men: Taking gender seriously' in Gamarnikow, Eva, Morgan, David, Purvis, June and Taylorson, Daphne (eds.) *The public and the private* London: Heineman: 147-161
- McNair, Brian (1995) *An Introduction to Political Communication* London: Routledge
- McNamara, Kevin (1983) *The Pro-Life Amendment to the Constitution* Bray: Irish Messenger Publications
- McNay, Lois (1992) *Foucault and Feminism: Power, Gender and the Self* Cambridge: Polity
- McNay, Lois (1994) *Foucault: A Critical Introduction* Cambridge: Polity
- McNeil, Maureen (1991) 'Putting the Alton Bill in context' in Franklin, Sarah, Lury, Celia and Stacey, Jackie (eds.) *Off-Centre: Feminism and cultural studies* London: Harper Collins Academic: 149-159
- McQuail, Denis (1987) *Mass Communication Theory: An Introduction* Second Edition, London: Sage
- McRobbie, Angela (1982) 'The politics of feminist research: Between talk, text and action' *Feminist Review* 12: 46-57
- McRobbie, Angela (1994) *Postmodernism and Popular Culture* London: Routledge

- Meaney, Geraldine (1991) *Sex and Nation: Women in Irish Culture and Politics* Dublin: Attic Press
- Mensch, Elizabeth and Alan Freeman (1993) *The Politics of Virtue: is Abortion Debatable?* Durham: Duke University Press
- Mies, Maria (1983) 'Towards a methodology for feminist research' in Bowles, Gloria and Duelli Klein, Renate (eds.) *Theories of Women's Studies* London: Routledge and Kegan Paul: 117-139
- Mies, Maria (1991) 'Women's Research or Feminist Research? The Debate Surrounding Feminist Science and Methodology' in Cook, Judith A. and Fonow, Mary Margaret (eds.) *Beyond Methodology: Feminist Scholarship as Lived Research* Bloomington and Indianapolis: Indiana University Press: 60-84
- Miller, David, (1995) *On Nationality* Open University Press
- Mills, Sara (1990) 'Discourses of Difference' *Cultural Studies* 4 (2) 128-140
- Moane, Geraldine (1996) 'Legacies of Colonialism for Irish Women: Oppressive or Empowering?' *Irish Journal of Feminist Studies* 1 (1) 100-118
- Moghadam, Valentine M. (ed.) (1994) *Gender and National Identity: Women and Politics in Muslim Societies* London: Zed Books
- Molloy, Maureen (1995) 'Imagining (the) Difference: Gender, Ethnicity and Metaphors of Nation' *Feminist Review* 51: 94-112
- Molyneux, Maxine (1988) 'The Politics of Abortion in Nicaragua: Revolutionary Pragmatism - or Feminism in the Realm of Necessity?' *Feminist Review* 29: 114-132
- Montefiore, Alan (1995) 'Problems of identity' Unpublished paper delivered at the 'Identity and Integrity' Seminar Series, Weiner Library, January.
- Moody, T. W. [1978] (1994) 'Irish History and Irish Mythology' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 71-86
- Morgan, Robin (ed.) (1970) *Sisterhood is Powerful: An Anthology of Writing from the Women's Liberation Movement* New York: Vintage Books
- Morgan, Robin (1989) *The Demon Lover: On the Sexuality of Terrorism* London: Methuen
- Morley, David and Chen, Kuan-Hsing (eds.) (1996) *Stuart Hall: Critical dialogues in Cultural Studies* London: Routledge
- Morrison, Tony and Lacour, Claudia Brodsky (eds.) (1997) *Birth of a Nation'hood: Gaze, Script and Spectacle in the O. J. Simpson Case* London: Vintage
- Mouffe, Chantal (1992) 'Feminism, Citizenship and Radical Democratic Politics' in Butler, Judith and Scott, Joan W. (eds.) *Feminists Theorize the Political* London: Routledge: 369-384
- Mouffe, Chantal (1993) *The Return of the Political* London: Verso
- Mulhern, Francis (1998) *The Present Lasts a Long Time: Essays in Cultural Politics* Cork: Cork University Press in association with Field Day

- Munns, Jessica and Rajan, Gita (eds.) (1995) *A Cultural Studies Reader: History, Theory, Practice* With the British Section edited and introduced by Roger Bromley. London: Longman
- Murphy, Brian [1993] (1994) 'The Canon of Irish Cultural History: Some questions concerning Roy Foster's *Modern Ireland*' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 222-233
- Murphy, John A. (1988) 'Religion and Irish Identity' in The Princess Grace Irish Library (ed.) *Irishness in a Changing Society* Totowa, New Jersey: Barnes & Noble Books: 132-151
- Murphy-Lawless, Jo [1988] (1992) 'The Obstetric View of Feminine Identity: A Nineteenth Century Case History of the Use of Forceps in Ireland' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 66-84
- Murphy-Lawless, Jo (1993) 'Fertility, Bodies and Politics: The Irish Case' *Reproductive Health Matters* 2: 53-64
- Murray, Terri and McClure, Michael (1995) *Moral Panic: Exposing the religious right's agenda on sexuality* London: Cassell
- Mussolini, Benito (1932) 'The Doctrine of Fascism' in Oakeshott, Michael (ed.) (1939) *The Social and Political Doctrines of Contemporary Europe* Cambridge: CUP: 164-179
- Nagel, Joane (1998) 'Masculinity and nationalism: gender and sexuality in the making of nations' *Ethnic and Racial Studies* 21 (2) 242-269
- Nairn, Tom (1977) *The Breakup of Britain* London: New Left Books
- Nash, Catherine (1993) 'Remapping and Renaming: New Cartographies of Identity, Gender and Landscape in Ireland' *Feminist Review* 44: 39-57
- Nash, Catherine (1997) 'Embodied Irishness: Gender, Sexuality and Irish Identities' in Graham, Brian (ed.) *In Search of Ireland: a cultural geography* London: Routledge: 108-127
- Nash, Catherine (1998) 'Visionary Geographies: Designs for Developing Ireland' *History Workshop Journal* 45: 49-78
- Nash, Kate (1994) 'The Feminist Production of Knowledge: Is Deconstruction a Practice for Women?' *Feminist Review* 47: 65-77
- Neocleous, Mark (1997) *Fascism* Buckingham: Open University Press
- Newman, Karen (ed.) (1993) *Progress Postponed: Abortion in Europe in the 1990s* London: International Planned Parenthood Federation
- Newman, Karen (1996) *Fetal Positions: Individualism, Science, Visuality* Stanford, California: Stanford University Press
- Ní Bhriain, Doireann (ed.) (1996) *Arguing at the Crossroads: Essays on a Changing Ireland* Dublin: New Island Books
- Nicholson, Linda (ed.) (1990) *Feminism/Postmodernism* London: Routledge
- Nicholson, Linda (1994) 'Interpreting Gender' *Signs: Journal of Women in Culture and Society* 20 (1) 79-105

- Northern Ireland Abortion Law Reform Association [1985] (1992) 'Abortion: The Case for Legal Reform in Northern Ireland' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 40-46
- Norvall, Aletta J. (2000) 'The Things We Do with Words - Contemporary Approaches to the Analysis of Ideology' *British Journal of Political Science* 30: 313-346
- O'Brien, Edna (1996) *Down by the River* Weidenfeld & Nicholson: London
- O'Brien, Conor Cruise (1994) *Ancestral Voices: Religion and Nationalism in Ireland* Dublin: Poolbeg
- O'Brien, Mary (1981) *The Politics of Reproduction* London: Routledge & Kegan Paul
- O'Carroll, J. P. (1991) 'Bishops, Knights - and Pawns? Traditional Thought and the Irish Abortion Referendum Debate of 1983' *Irish Political Studies* 6: 53-71
- O'Connor, Anne (1992) 'Abortion: Myths and Realities from the Irish Folk Tradition' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 57-65
- O'Connor, Pat (1995) 'Defining Irish Women: Dominant Discourses and Sites of Resistance' in *Eire - Ireland XXX* (3) 177-187
- O'Connor, Pat (1998) *Emerging Voices: Women in Contemporary Irish Society* Dublin: Institute of Public Administration
- O'Dowd, Liam (1987) 'Church, State and Women: The Aftermath of Partition' in Curtin, Chris, Jackson, Pauline and O'Connor, B (eds.) *Gender in Irish Society* Galway: Galway University Press
- O'Drisceoil, Prionsias (1993) (ed.) *Culture in Ireland - Regions: Identity and Power. Proceedings of the Cultures of Ireland Group Conference, 27-29 November, 1992* Belfast: Institute of Irish Studies, Queens University of Belfast
- O'Faolain, Nuala (1996) *Are You Somebody? The Life and TIMES of Nuala O'Faolain* Dublin: New Island Books
- O'hEithir, Breandán (1986) *The Begrudger's Guide to Irish Politics* Dublin: Poolbeg Press Ltd.
- O'Leary, Brendan and McGarry, John (1993) *The Politics of Antagonism: understanding Northern Ireland* Cambridge: CUP
- O'Leary, Cornelius and Hesketh, Tom (1988) 'The Irish Abortion and Divorce Referendum Campaigns' *Irish Political Studies* 3: 43-62
- O'Neill, Kevin [1989] (1994) 'Revisionist Milestone' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 217-221
- O'Reilly, Emily (1992) *Masterminds of the Right* Dublin: Attic Press
- O'Sullivan, Tim, Hartley, John, Saunders, Danny, Montgomery Martin and Fiske, John (eds.) (1994) *Key Concepts in Communication and Cultural Studies* London: Routledge
- O'Toole, Fintan (1990) *A Mass for Jesse James: A Journey Through 1980's Ireland* Dublin: Raven Arts Press

- O'Toole, Fintan (1997) *The Ex-Isle of Erin: Images of a Global Ireland* Dublin: New Island Books
- O'Tuathaigh, M. A. G. (ed.) (1986) *Community Culture and Conflict* Galway: Galway University Press
- O'Tuathaigh, M. A. G. [1991] (1994) 'Irish Historical "Revisionism": State of the Art or Ideological Project?' in Brady, Ciaran (ed.) *Interpreting Irish History: The Debate on Historical Revisionism 1938-1994* Dublin: Irish Academic Press: 306-325
- Oakeshott, Michael (ed.) (1939) *The Social and Political Doctrines of Contemporary Europe* Cambridge: CUP
- Oakley, Ann (1981) 'Interviewing women: a contradiction in terms' in Roberts, Helen (ed.) *Doing Feminist Research* London: Routledge & Kegan Paul: 30-61
- Oakley, Ann (1987) 'From Walking Wombs to Test-Tube Babies' in Stanworth, Michelle *Reproductive Technologies: Gender, Motherhood and Medicine* Polity: Cambridge: 36-56
- Oaks, Laura (1994) 'Fetal Spirithood and Fetal Personhood: The Cultural Construction of Abortion in Japan' *Women's Studies International Forum* 17 (5) 511-523
- Obbo, Christine (1989) 'Sexuality and Economic Domination in Uganda' in Yuval-Davis, Nira and Anthias, Floya (eds.) *Woman-Nation-State* London: Macmillan: 79-91
- Okin, Susan Moller (1989) *Justice, Gender and the Family* New York: Basic Books
- Padfield, Maureen and Procter, Ian (1996) 'The Effect of Interviewer's Gender on the Interviewing Process: A Comparative Enquiry' *Sociology* 30 (2) 355-366
- Parekh, Bhikhu (1999) 'A Varied Moral World' in Cohen, Joshua, Howard, Matthew and Nussbaum, Martha C. (eds.) *Is Multiculturalism Bad for Women? Susan Moller Okin with Respondents* Princeton, New Jersey: Princeton University Press: 69-75
- Parker, Andrew, Russo, Mary, Sommer, Doris and Yaeger, Patricia (1992) (eds.) *Nationalisms and Sexualities* London: Routledge
- Pateman, Carole (1988) *The Sexual Contract* Cambridge: Polity
- Pateman, Carole (1989) *The Disorder of Women: Democracy, Feminism and Political Theory* Cambridge: Polity Press
- Peillon, Michel (1984) 'The structure of Irish ideology revisited' in Curtin, Chris, Kelly, Mary and O'Dowd, Liam (eds.) *Culture and Ideology in Ireland* Galway: Galway University Press: 46-58
- Peillon, Michel (1986) 'Stratification and Class' in Clancy, Patrick, Drudy, Sheelagh, Lynch, Kathleen and O'Dowd, Liam (eds.) *Ireland: A Sociological Profile* Dublin: Institute of Public Administration in association with The Sociological Association of Ireland: 97-115
- Perryman, Mark (ed.) (1994) *Altered States: Postmodernism, Politics, Culture* London: Lawrence & Wishart, in Association with Signs of the Times
- Personal Narratives Group: Joy Webster Barbre, Amy Farrell, Shirley Nelson Garner, Susan Geiger, Ruth-Ellen Boetcher Joeres, Susan M-A Lyons, Mary Jo Maynes, Pamela Mittlefehldt, Riv-Ellen Press, Virginia Steinhagen, (eds.) (1989) *Interpreting Women's*

- Lives: Feminist Theory and Personal Narratives* Bloomington and Indianapolis: Indiana University Press
- Petchesky, Rosalind Pollack (1986) *Abortion and Woman's Choice. The State, Sexuality and Reproductive Freedom* London: Verso
- Petchesky, Rosalind Pollock (1987) 'Foetal Images: the Power of Visual Culture in the Politics of Reproduction' in Stanworth, Michelle (ed.) *Reproductive Technologies: Gender, Motherhood and Medicine* Cambridge: Polity: 57-80
- Pettitt, Lance (2000) *Screening Ireland: Film and television representation* Manchester: Manchester University Press
- Phillips, Anne (1987) *Divided Loyalties: Dilemmas of Sex and Class* London: Virago
- Phillips, Anne (1991) *Engendering Democracy* Cambridge: Polity
- Phillips, Anne (1992) 'Universal pretensions in Political Thought' in Barrett, Michèle and Phillips, Anne (eds.) *Destabilizing Theory: Contemporary Feminist Debates* Stanford University Press: Stanford, California: 10-30
- Pipes, Mary (1986) *Understanding Abortion* London: The Women's Press Handbook Series
- Platt, Jennifer (1981) 'On interviewing One's Peers' *British Journal of Sociology* 32 (1) 75-91
- Plummer, Ken (1995) *Telling Sexual Stories: Power, Change and Social Worlds* London: Routledge
- Poovey, Mary (1992) 'The Abortion Question and the Death of Man' in Butler, Judith and Scott, Joan W. (eds.) *Feminists Theorize the Political* London: Routledge: 239-256
- Porter, Elisabeth (1996) 'Culture, Community and Responsibilities: Abortion in Ireland' *Sociology* 30 (2) 270-298
- Poster, Mark (1978) *Critical Theory of the Family* London: Pluto Press
- Potter, Jonathan and Wetherell, Margaret (1994) 'Analyzing Discourse' in Bryman, Alan and Burgess, Robert G. (eds.) *Analyzing Qualitative Data* London: Routledge: 47-66
- Prendiville, P. (1988) 'Divorce in Ireland: An analysis of the referendum to amend the Constitution, June 1986' *Women's Studies International Forum* 11: 355-363
- Press, Andrea L. and Cole, Elizabeth R. (1999) *Speaking of Abortion: Television and Authority in the Lives of Women* Chicago: University of Chicago Press
- Putnam, Hilary (1992) *Renewing Philosophy* Cambridge, Massachusetts: Harvard University Press
- Radhakrishnan, R. (1992) 'Nationalism, Gender and the Narrative of Identity' in Parker, Andrew, Russo, Mary, Sommer, Doris and Yaeger, Patricia (eds.) *Nationalisms and Sexualities* London: Routledge: 77-95
- Ramazanoglu, Caroline (1989) 'Improving in Sociology: The Problems of Taking a Feminist Standpoint' *Sociology* 23 (3) 427-442
- Ramazanoglu, Caroline (1992) 'On Feminist Methodology: Male Reason Versus Female Empowerment' *Sociology*, 26 (2) 207-212

- Ramazanoglu, Caroline (ed.) (1993) *Up Against Foucault: Explorations of Some Tensions Between Foucault and Feminism* London: Routledge
- Randall, Vicky (1986) 'The politics of abortion in Ireland' in Lovenduski, Joni and Outshoorn, Joyce (eds.) *The New Politics of Abortion* London: Sage: 67-85
- Randall, Vicky and Waylen, Georgina (1998) (eds.) *Gender, Politics and the State* London: Routledge
- Randles, Tess (1991) 'The Alton Bill and the Media's "Consensual" Position' in Franklin, Sarah, Lury Celia and Stacey, Jackie (eds.) *Off Centre: Feminism and Cultural Studies* London: Harper Collins Academic: 206-213
- Rattansi, Ali (1997) 'Postcolonialism and its discontents' *Economy and Society* 26 (4) 480-500
- Reagan, Leslie J. (1997) *When Abortion Was a Crime: Women, Medicine and Law in the United States 1867-1973* Berkeley: University of California Press
- Reay, Diane (1996) 'Insider Perspectives or Stealing the Words out of Women's Mouths: Interpretation in the Research Process' *Feminist Review* 53: 57-73
- Regan, Stephen (1992) 'Ireland's Field Day' *History Workshop Journal* 33: 25-37
- Reid, Madeline (1992) 'Abortion Law in Ireland after the Maastricht Referendum' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 25-39
- Reinharz, Shulamit (1992) *Feminist Methods in Social Research* with the assistance of Lynn Davidman. Oxford: OUP
- Reiter, Rayna R. (ed.) (1975) *Towards an Anthropology of Women* New York: Monthly Review Press
- Ribbens, Jane (1989) 'Interviewing: An "unnatural situation"?' *Womens Studies International Forum* 12 (6) 579-592
- Rich, Adrienne (1986) *Blood, Bread and Poetry: Selected Prose 1979-1985* London: Virago Press Ltd.
- Rich, Adrienne [1976] (1986) *Of Woman Born: Motherhood as Experience and Institution* London: Virago Press Ltd.
- Richardson, Diane (1996) 'Heterosexuality and social theory' in Richardson, Diane (ed.) *Theorising heterosexuality: Telling it straight* Buckingham: Open University Press: 1-20
- Richardson, Diane (ed.) (1996) *Theorising heterosexuality: Telling it straight* Buckingham: Open University Press
- Ricoeur, Paul (1981) 'The task of hermeneutics' in Thompson, John B. (ed. and translator) *Paul Ricoeur: Hermeneutics and the Human Sciences. Essays on language, action and interpretation* Cambridge: CUP: 43-62
- Ricoeur, Paul (1981a) 'The Narrative Function' in Thompson, John B. (ed. and translator) *Paul Ricoeur: Hermeneutics and the Human Sciences. Essays on language, action and interpretation* Cambridge: CUP: 274-296
- Riddick, Ruth [1990] (1992) 'Towards a Feminist Morality of Choice' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 186-193

- Roberts, Helen (1981) (ed.) *Doing Feminist Research* London & New York: Routledge
- Robertson, David (1997) *A Dictionary of Human Rights* London: Europa Publications Ltd.
- Roman, Leslie G. and Christian-Smith, Linda K., with Ellsworth, Elizabeth (1988) *Becoming Feminine: The Politics of Popular Culture* London: Flamer Press
- Rose, June (1993) *Marie Stopes and the Sexual Revolution* London: Faber and Faber
- Rose, Kieran (1994) *Diverse Communities: The Evolution of Lesbian and Gay Politics in Ireland* Cork: Cork University Press
- Roseneil, Sasha (1993) 'Greenham Revisited: Researching Myself and My Sisters' in Hobbs, D. and May, T. (eds.) *Interpreting the Field* Oxford: OUP
- Roseneil, Sasha (1995) 'The coming of age of feminist sociology: some issues of practice and theory for the next twenty years' *British Journal of Sociology* 46 (2) 191-205
- Rossiter, Ann (1992) '"Between the Devil and the Deep Blue Sea": Irish Women, Catholicism and Colonialism' in Sahgal, Gita and Yuval-Davis, Nira (eds.) *Refusing Holy Orders: Women and Fundamentalism in Britain* London: Virago Press: 69-100
- Rothman, Barbara Katz (1989) *Recreating Motherhood: Ideology and Technology in a Patriarchal Society* London: W. W. Norton & Company
- Rowbotham, Sheila (1989) *The Past is Before us. Feminism in action since the 1960s* Harmondsworth: Penguin
- Rowbotham, Sheila (1992) *Women In Movement: feminism and social action* London: Routledge
- Rowbotham, Sheila, Segal, Lynne and Wainwright, Hilary (1979) *Beyond the Fragments: Feminism and the Making of Socialism* London: Merlin Press
- Ruddick, Sara (1989) *Maternal Thinking* London: The Women's Press
- Rutherford, Jonathan (1990) *Identity: Community, Culture, Difference* London: Lawrence and Wishart
- Ryan, Louise (1998) 'Negotiating Modernity and Tradition: newspaper debates on the 'modern girl' in the Irish Free State' *Journal of Gender Studies* 7 (2) 181-197
- Ryan-Sheridan, Susan (1994) *Women and the New Reproductive Technologies in Ireland* Cork: Cork University Press
- Sahgal, Gita and Yuval-Davis, Nira (eds.) (1992) *Refusing Holy Orders: Women and Fundamentalism in Britain* London: Virago Press
- Said, Edward (1978) *Orientalism* Harmondsworth: Penguin
- Said, Edward (1993) *Culture and Imperialism* London: Vintage
- Sangari, Kumkum and Vaid, Sudesh (1989) *Recasting Women: Essays in Indian Colonial History* New Brunswick: Rutgers University Press
- Sawicki, Jana (1994) 'Foucault, feminism and questions of identity' in Cutting, Gary (ed.) *The Cambridge Companion to Foucault* Cambridge: CUP: 286-313

- Scannell, Yvonne (1988) 'The Constitution and the role of Women' in Farrell, Brian (ed.) *De Valera's Constitution and Ours* Dublin: Gill and Macmillan: 123-136
- Schäffner, Christina (ed.) (1997) *Analysing Political Speeches* Clevedon: Multilingual Matters Ltd.
- Schwarz, Bill (1992) 'England in Europe: Reflections on National Identity and Cultural Theory' *Cultural Studies* 6 (2) 198-206
- Science and Technology Subgroup (1991) 'In the wake of the Alton Bill: science, technology and reproductive politics' in Franklin, Sarah, Lury, Celia and Stacey, Jackie (eds.) *Off-Centre: Feminism and cultural studies* London: Harper Collins Academic: 147-218
- Scott, Joan W. (1992) "'Experience'" in Butler, Judith and Scott, Joan W. (eds.) *Feminists Theorize the Political* London: Routledge: 22-40
- Scott, Sue (1984) 'The personable and the powerful: Gender and status in sociological research' in Bell, Colin and Roberts, Helen (eds.) *Social Researching: Politics, problems and practice* London: Routledge and Kegan Paul: 165-178
- Segal, Lynne (1994) *Straight Sex; the politics of pleasure* London: Virago Press
- Seidman, Steven (1994) (ed.) *The Postmodern Turn: New Perspectives on Social Theory* Cambridge: CUP
- Shanahan, Kate (1992) *Crimes Worse than Death* Dublin: Attic Press
- Shannon, Catherine B. (1997) 'The Changing Face of Cathleen ni Houlihan: Women and Politics in Ireland, 1960-1996' in Bradley, Anthony and Valiulis, Maryann Gialanella (eds.) *Gender and Sexuality in Modern Ireland* Amherst: University of Massachusetts Press: 257-274
- Sheldon, Sally (1997) 'Multiple Pregnancy and Re(pro)ductive Choice' *Feminist Legal Studies* V (1) 99-106
- Sheridan, Alan (1980) *Michel Foucault; The Will to Truth* London: Tavistock
- Sheridan, Susan (1988) *Grafts: Feminist Cultural Criticism* London: Verso
- Simons, Jon (1995) *Foucault & the Political* London: Routledge
- Singer, Peter (ed.) (1993) *A Companion to Ethics* Oxford: Basil Blackwell
- Skeggs, Beverley (1997) *Formations of Class and Gender: Becoming Respectable* London: Sage
- Smart, Barry (ed.) (1994) *Michel Foucault: Critical Assessments Volume II* London: Routledge
- Smart, Carol (1984) *The Ties that Bind: Law, marriage and the reproduction of patriarchal relations* London: Routledge
- Smart, Carol (1985) 'Legal subjects and sexual objects: ideology, law and female sexuality' in Brophy, Julia and Smart, Carol (eds.) *Women-in-Law: Explorations in law, family and sexuality* London: Routledge and Kegan Paul: 50-70

Smart, Carol (1986) 'Feminism and Law: Some Problems of Analysis and Strategy' *International Journal of the Sociology of Law* 14: 109-123

Smart, Carol (1987) "'There is of course the distinction dictated by nature": Law and the Problem of Paternity' in Stanworth, Michelle (ed.) *Reproductive Technologies: Gender, Motherhood and Medicine* Cambridge: Polity: 98-117

Smart, Carol (1989) *Feminism and the Power of Law* London: Routledge

Smart, Carol (1990) 'Law's Power, the Sexed Body and Feminist Discourse' *Journal of Law and Society* 17 (2) 194-210

Smart, Carol (1993) 'Prescription, Prescription and the Desire for Certainty? Feminist Theory in the Field of Law' *Studies in Law, Politics and Society* 13: 37-54

Smart, Carol (1996) 'Collusion, collaboration and confession: on moving beyond the heterosexuality debate' in Richardson, Diane (ed.) *Theorising heterosexuality: Telling it straight* Buckingham: Open University Press: 161-177

Smart, Carol and Smart, Barry (eds.) (1978) *Women, Sexuality and Social Control* London: Routledge

Smith, Anna-Marie (1994) *New Right Discourse on Race and Sexuality: Britain 1968-1990* Cambridge: CUP

Smith, Anne-Marie (1998) *Julia Kristeva: Speaking the Unspeakable* London: Pluto Press

Smith, Anthony D. (1983) *Theories of Nationalism* London: Duckworth

Smith, Anthony D. (1991) *National Identity* Harmondsworth: Penguin

Smith, Dorothy E. (1997) 'Comment on Hekman's "Truth and Method: Feminist Standpoint Theory Revisited"' *Signs: Journal of Women in Culture and Society* 22 (2) 392-398

Smyth, Ailbhe (ed.) (1992) *The Abortion Papers, Ireland* Dublin: Attic Press

Smyth, Ailbhe (1992a) 'A Sadistic Farce: Women and Abortion in the Republic of Ireland, 1992' in Smyth (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 7-24

Smyth, Ailbhe (1992b) 'The Politics of Abortion in a Police State' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic Press: 138-147

Smyth, Ailbhe (1995) 'States of Change: Reflections on Ireland in Several Uncertain Parts' *Feminist Review* 50: 24-43

Smyth, Ailbhe (1996) "'And Nobody was any the wiser": Irish Abortion Rights and the European Union' in Elman, R. Amy (ed.) *Sexual Politics and the European Union: The New Feminist Challenge* Providence, Oxford: Berghahn Books: 109-130

Solomons, Michael (1992) *Pro-Life? The Irish Question* Dublin: Lilliput Press

Solomos, John (1993) *Race and Racism in Britain* London: Macmillan

Song, Miri and Parker, David (1995) 'Commonality, Difference and the Dynamics of Disclosure in in-depth Interviewing' *Sociology* 29 (2) 241-256

Soper, Kate (1990) *Troubled Pleasures: Writings on Politics, Gender and Hedonism* London: Verso

- Spackman, Barbara (1996) *Fascist Virilities: Rhetoric, Ideology and Social Fantasy in Italy* Minneapolis: University of Minnesota Press
- Speed, Anne (1992) 'The Struggle for Reproductive Rights: A Brief History in its Political Context' in Smyth, Ailbhe (ed.) *The Abortion Papers, Ireland* Dublin: Attic: 85-98
- Stacey, Margaret (1981) 'The division of labour revisited or overcoming the two Adams' in Abrams, Philip, Deem, Rosemary, Finch, Janet and Rock, Paul (eds.) *Practice and Progress: British Sociology 1950-1980*. London: Allen and Unwin: 172-190
- Stacey, Margaret (1983) 'Social Sciences and the State: Fighting like a Woman' in Gamarnikow, Eva, Morgan, David, Purvis, June and Taylorson, Daphne (eds.) *The public and the private* London: Heineman: 7-11
- Stanley, Liz (1990) (ed.) *Feminist Praxis: Research, Theory and Epistemology in Feminist Sociology* London: Routledge
- Stanley, Liz and Wise, Sue (1983) "'Back into the personal" or: our attempt to construct "feminist research"' in Bowles, Gloria and Duelli Klein, Renate (eds.) *Theories of Women's Studies* London: Routledge and Kegan Paul: 192-209
- Stanley, Liz and Wise, Sue (1990) 'Method, methodology and epistemology in feminist research process' in Stanley, Liz (1990) (ed.) *Feminist Praxis: Research, Theory and Epistemology in Feminist Sociology* London: Routledge: 20-60
- Stanworth, Michelle (ed.) (1987) *Reproductive Technologies: Gender, Motherhood and Medicine* Cambridge: Polity
- Stanworth, Michelle (1987) 'Reproductive Technologies and the Deconstruction of Motherhood' in Stanworth, Michelle (ed.) *Reproductive Technologies: Gender, Motherhood and Medicine* Cambridge: Polity: 10-35
- Steinberg, Deborah Lynn (1991) 'Adversarial politics: the legal construction of abortion' in Franklin, Sarah, Lury, Celia and Stacey, Jackie (eds.) *Off-Centre: Feminism and cultural studies* London: Harper Collins Academic: 175-189
- Steinberg, Deborah Lynn (1994) 'Power, Positionality and Epistemology: and Anti-Oppressive Feminist Standpoint Approach' *Women: A Cultural Review* 5 (3) 295-307
- Steinberg, Deborah Lynn (1996) 'Cultural Regimes of the Body: An Introduction' *Women: A Cultural Review* 7 (3) 225-228
- Steinberg, Deborah Lynn (1997) *Bodies in Glass: Genetics, Eugenics, Embryo Ethics* Manchester: Manchester University Press
- Strathern, Marilyn (1996) 'Enabling Identity? Biology, Choice and the New Reproductive Technologies' in Hall, Stuart and Du Gay, Paul (eds.) *Questions of Cultural Identity* London: Sage: 37-52
- Stychin, Carl F. (1997) 'Queer Nations: Nationalism, Sexuality and the Discourse of Rights in Quebec' *Feminist Legal Studies* V (1) 3-34
- Tamir, Yael (1993) *Liberal Nationalism* Princeton: Princeton University Press
- Taylor, Charles (1995) *Philosophical Arguments* Cambridge, Massachusetts: Harvard University Press

- Taylor, Judith (1998) 'Feminist Tactics and Friendly Fire in the Irish Women's Movement' *Gender & Society* 12 (6) 674-691
- The Princess Grace Irish Library (ed.) (1988) *Irishness in a Changing Society* Totowa, New Jersey: Barnes and Noble Books
- Thompson, John B. (ed. and translator) (1981) *Paul Ricoeur: Hermeneutics and the Human Sciences. Essays on language, action and interpretation* Cambridge: CUP
- Thompson, Kenneth (1998) *Moral Panics* London: Routledge
- Thomson, Michael (1998) *Reproducing Narrative: Gender, Reproduction and Law* Dartmouth: Ashgate
- Travers, Ann (1992) 'Radical Democracy's Feminist Potential' *Praxis International* 12 (3) 269-283
- Trend, David (1993) 'Nationalities, Pedagogies and Media' *Cultural Studies* 7: 89-106
- Trombley, Stephen (1988) *The Right to Reproduce: A History of Coercive Sterilization* London: Weidenfeld and Nicolson
- Valverde, Mariana (1999) 'Identity Politics and the Law in the United States' *Feminist Studies* 25 (2) 345-361
- Vance, Carole S. (1984) *Pleasure and Danger: exploring female sexuality* London: Routledge and Kegan Paul
- Viroli, Maurizio (1995) *For Love of Country: An Essay on Patriotism and Nationalism* Oxford: Clarendon Press
- Walby, Sylvia (1994) 'Is citizenship gendered?' *Sociology* 28 (2) 379-395
- Walter, Bronwen (1995) 'Irishness, gender and place' *Environment and Planning D: Society and Space* 13: 35-50
- Ward, Eilis and O'Donovan, Orla (1996) 'Networks of women's groups and politics in Ireland: what (some) women think' *U. C. G. Women's Studies Centre Review* 4: 1-20
- Ward, Margaret (1983) *Unmanageable Revolutionaries: Women and Irish Nationalism* London: Pluto
- Ward, Margaret (1995) 'Conflicting Interests; The British and Irish Suffrage Movements' *Feminist Review* 50: 127-47
- Warner, Marina (1990) *Alone of All Her Sex: The myth and cult of the Virgin Mary* London: Picador
- Warren, Mary Anne (1993) 'Abortion' in Singer, Peter (ed.) *A Companion to Ethics* Oxford: Blackwell Publishers: 303-314
- Waters, Hazel (1995) 'The Great Famine and the rise of anti-Irish racism' *Race and Class* 37 (1) 95-108
- Waters, John (1991) *Jiving at the Crossroads* Belfast: The Blackstaff Press
- Waylen, Georgina (1998) 'Gender, feminism and the state: an overview' in Randall, Vicky and Waylen, Georgina (eds.) *Gender, Politics and the State* London: Routledge: 1-17

- Weedon, Chris (1987) *Feminist Practice and Poststructuralist Theory* Oxford: Basil Blackwell
- Weeks, Jeffrey (1981) *Sex, Politics and Society: The regulation of sexuality since 1800* London: Longman
- Weeks, Jeffrey (1985) *Sexuality and its Discontents: Meanings, Myths and Modern Sexualities* London: Routledge and Kegan Paul
- Weeks, Jeffrey (1995) *Invented Moralities: Sexual Values in an Age of Uncertainty* Cambridge: Polity
- Wells, Celia and Morgan, Derek (1991) 'Whose Foetus Is It?' *Journal of Law and Society* 18 (4) 431-447
- Westcott, Marcia (1979) 'Feminist Criticism of the Social Sciences' *Harvard Educational Review* 49 (4) 422-430
- Whelan, Christopher T. (ed.) (1994) *Values and Social Change in Ireland* Dublin: Gill & Macmillan
- Whelan, Kevin (1991) 'The Recent Writing of Irish History' *UCD History Review*: 27-35
- Whelan, Kevin (1992) 'The Power of Place' *The Irish Review* 11: 13-20
- Whelan, Kevin (1996) *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760 - 1830* Cork: Cork University Press in Association with Field Day
- Whyte, J. H. [1971] (1980) *Church and State in Modern Ireland 1923-1979* Dublin: Gill and Macmillan
- Williams, Raymond (1976) *Keywords: A Vocabulary of Culture and Society* London: Fontana/Croom Helm
- Williams, Raymond (1980) *Problems in Materialism and Culture: Selected Essays* London: Verso
- Williams, Raymond (1981) *Culture* London: Fontana Press
- Winch, Peter (1958) *The Idea of a Social Science and its Relation to Philosophy* London: Routledge and Kegan Paul
- Winship, Janice (1987) *Inside Women's Magazines* London: Pandora
- Wolf, Naomi (1995) 'Our Bodies, Our Souls' *The New Republic* October 16: 26
- Wuerth, Andrea (1999) 'National Politics/Local Identities: Abortion Rights Activism in Post-Wall Berlin' *Feminist Studies* 25 (3) 601-631
- Wykes, Maggie (1998) 'A Family Affair: The British press, sex and the Wests' in Carter, Cynthia, Branston, Gill and Allen, Stuart (eds.) *News, Gender and Power* London: Routledge: 233-247
- Young, Iris Marion (1990) *Justice and the Politics of Difference* Princeton, New Jersey: Princeton University Press
- Yuval-Davis, Nira (1980) 'The Bearers of the Collective: Women and Religious Legislation in Israel' *Feminist Review* 4: 15-27

Yuval-Davis, Nira (1989) 'National Reproduction and "the Demographic Race" in Israel' in Yuval-Davis, Nira and Anthias, Floya (eds.) *Woman-Nation-State* London: Macmillan

Yuval-Davis, Nira (1996) 'Women and the Biological Reproduction of "The Nation"' *Women's Studies International Forum* 19 (1/2) 17-24

Yuval-Davis, Nira (1997) *Gender and Nation* London: Sage

Yuval-Davis, Nira and Anthias, Floya (eds.) (1989) *Woman-Nation-State* London: Macmillan

Yuval-Davis, Nira and Werbner, Pnina (eds.) (1999) *Women, Citizenship and Difference* London: Zed Books

Zoonen, Liesbet van (1994) *Feminist Media Studies* London: Sage

Zubaida, S. (1977) 'Theories of Nationalism' in Littlejohn, G., Smart, B., Wakeford J. and Yuval-Davis, N. (eds.) *Power and the State* London: Croom Helm